



2020/0374(COD)

30.6.2021

AMENDMENTS

161 - 400

Draft opinion

Tiemo Wölken

(PE693.727v01-00)

Proposal for a Regulation of the European Parliament and of the Council on 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 161
Andrzej Halicki, Axel Voss

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down harmonised rules ensuring contestable and fair markets in the digital sector across the Union where gatekeepers are present.

Amendment

1. This Regulation lays down harmonised rules ensuring contestable and fair markets in the digital sector across the Union where gatekeepers ***for large platforms*** are present.

Or. en

Amendment 162
Patrick Breyer

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

Text proposed by the Commission

Amendment

1a. This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, in particular Articles 11, 16, 47 and 50 thereof. Accordingly, this Regulation is interpreted and applied with respect to those rights and principles.

Or. en

Amendment 163
Jorge Buxadé Villalba

Proposal for a regulation
Article 1 – paragraph 5

Text proposed by the Commission

5. Member States shall not impose on gatekeepers further obligations by way of laws, regulations or administrative action

Amendment

5. Nothing in this Regulation precludes Member States from imposing obligations, which are compatible with

for the purpose of ensuring contestable and fair markets. This is without prejudice to rules pursuing other legitimate public interests, in compliance with Union law. In particular, nothing in this Regulation precludes Member States from imposing obligations, which are compatible with Union law, on undertakings, including providers of core platform services where these obligations are unrelated to the relevant undertakings having a status of gatekeeper within the meaning of this Regulation in order to protect consumers or to fight against acts of unfair competition.

Union law, on undertakings, including providers of core platform services in order to protect consumers or to fight against acts of unfair competition.

Or. es

Amendment 164

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 1 – paragraph 5

Text proposed by the Commission

5. Member States shall not impose on gatekeepers further obligations by way of laws, regulations or administrative action for the purpose of ensuring contestable and fair markets. This is without prejudice to rules pursuing other legitimate public interests, in compliance with Union law. In particular, nothing in this Regulation precludes Member States from imposing obligations, which are compatible with Union law, on undertakings, including providers of core platform services where these obligations are unrelated to the relevant undertakings having a status of gatekeeper within the meaning of this Regulation in order to protect consumers or to fight against acts of unfair competition.

Amendment

5. Member States shall not impose on gatekeepers further obligations by way of laws, regulations or administrative action for the purpose of ensuring contestable and fair markets. This is without prejudice to rules pursuing other legitimate public interests, in compliance with Union law. In particular, nothing in this Regulation precludes Member States from imposing obligations, which are compatible with Union law, on undertakings, including providers of core platform services where these obligations are unrelated to the relevant undertakings having a status of gatekeeper within the meaning of this Regulation in order to protect consumers or to fight against acts of unfair competition ***and unfair trading practices in business-to-business relationships.***

Or. en

Amendment 165
Emmanuel Maurel

Proposal for a regulation
Article premier – paragraph 5

Text proposed by the Commission

5. Member States shall not impose on gatekeepers further obligations by way of laws, regulations or administrative action for the purpose of ensuring contestable and fair markets. This *is without prejudice to* rules pursuing other legitimate public interests, in compliance with Union law. In particular, nothing in this Regulation precludes Member States from imposing obligations, which are compatible with Union law, on undertakings, including providers of core platform services *where these obligations are unrelated to the relevant undertakings having a status of gatekeeper within the meaning of this Regulation* in order to protect consumers *or to* fight against acts of unfair competition.

Amendment

5. Member States shall not impose on gatekeepers further obligations by way of laws, regulations or administrative action for the purpose of ensuring contestable and fair markets. This *shall not affect* rules pursuing other legitimate public interests, in compliance with Union law. In particular, nothing in this Regulation precludes Member States from imposing obligations, which are compatible with Union law, on undertakings, including providers of core platform services, in order to protect consumers, fight against acts of unfair competition, *protect and foster media freedom, pluralism of media and opinions, respect for multilingualism and ‘cultural exception’ and support other legitimate public interests.*

Or. fr

Amendment 166
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 1 – paragraph 6

Text proposed by the Commission

6. This Regulation is without prejudice to the application of Articles 101 and 102 TFEU. It is also without prejudice to the application of: national rules prohibiting anticompetitive agreements, decisions by associations of undertakings, concerted practices and abuses of dominant positions; national competition rules prohibiting other forms of unilateral

Amendment

6. This Regulation is without prejudice to the application of Articles 101 and 102 TFEU. It is also without prejudice to the application of: national rules prohibiting anticompetitive agreements, decisions by associations of undertakings, concerted practices and abuses of dominant positions; national competition rules prohibiting other forms of unilateral

conduct insofar as they are applied to undertakings other than gatekeepers or amount to imposing additional obligations on gatekeepers; Council Regulation (EC) No 139/2004³⁸ and national rules concerning merger control; Regulation (EU) 2019/1150 **and** Regulation (EU) .../.. of the European Parliament and of the Council³⁹ .

conduct insofar as they are applied to undertakings other than gatekeepers or amount to imposing additional obligations on gatekeepers; Council Regulation (EC) No 139/2004³⁸ and national rules concerning merger control; Regulation (EU) 2019/1150, Regulation (EU) .../.. of the European Parliament and of the Council³⁹, **Directive 2005/29/EC on unfair commercial practices, Council Directive 93/13/EEC on unfair terms in consumer contracts and Directive 2010/13/EU on the provision of audiovisual media services** ^{1a}.

³⁸ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

³⁹ Regulation (EU) .../.. of the European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.

^{1a} **OJ L 95, 15.4.2010, p. 1**

³⁸ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

³⁹ Regulation (EU) .../.. of the European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.

Or. en

Amendment 167

Emmanuel Maurel

Proposal for a regulation

Article premier – paragraph 6

Text proposed by the Commission

6. This Regulation is without prejudice to the application of Articles 101 and 102 TFEU. It **is also without prejudice to** the application of: national rules prohibiting anticompetitive agreements, decisions by associations of undertakings, concerted practices and abuses of dominant positions; ***national competition rules prohibiting other forms of unilateral***

Amendment

6. This Regulation is without prejudice to the application of Articles 101 and 102 TFEU. It **must not undermine** the application of national rules prohibiting anticompetitive agreements, decisions by associations of undertakings, concerted practices and abuses of dominant positions; Council Regulation (EC) No 139/2004³⁸ and national rules concerning merger

conduct insofar as they are applied to undertakings other than gatekeepers or amount to imposing additional obligations on gatekeepers; Council Regulation (EC) No 139/2004³⁸ and national rules concerning merger control; Regulation (EU) 2019/1150 and Regulation (EU) .../.. of the European Parliament and of the Council³⁹.

³⁸ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

³⁹ Regulation (EU) .../.. of the European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.

control; Regulation (EU) 2019/1150 and Regulation (EU) .../.. of the European Parliament and of the Council³⁹. ***This Regulation shall not prevent Member States from imposing other obligations on gatekeepers.***

³⁸ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

³⁹ Regulation (EU) .../.. of the European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.

Or. fr

Amendment 168

Patrick Breyer

Proposal for a regulation

Article 1 – paragraph 6

Text proposed by the Commission

6. This Regulation is without prejudice to the application of Articles 101 and 102 TFEU. It is also without prejudice to the application of: national rules prohibiting anticompetitive agreements, decisions by associations of undertakings, concerted practices and abuses of dominant positions; national competition rules prohibiting other forms of unilateral conduct insofar as they are applied to undertakings other than gatekeepers or amount to imposing additional obligations on gatekeepers; Council Regulation (EC) No 139/2004³⁸ and national rules concerning merger control; Regulation

Amendment

6. This Regulation is without prejudice to the application of Articles 101 and 102 TFEU. It is also without prejudice to the application of: national rules prohibiting anticompetitive agreements, decisions by associations of undertakings, concerted practices and abuses of dominant positions; national competition rules prohibiting other forms of unilateral conduct insofar as they are applied to undertakings other than gatekeepers or amount to imposing additional obligations on gatekeepers; Council Regulation (EC) No 139/2004³⁸ and national rules concerning merger control; Regulation

(EU) 2019/1150 and Regulation (EU) .../.. of the European Parliament and of the Council³⁹ .

³⁸ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

³⁹ Regulation (EU) .../.. of the European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.

(EU) 2019/1150 and Regulation (EU) .../.. of the European Parliament and of the Council³⁹ , **Regulation (EU) 2016/679 and Directive (EC) 2002/58.**

³⁸ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

³⁹ Regulation (EU) .../.. of the European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.

Or. en

Amendment 169

Andrzej Halicki, Axel Voss, Adam Jarubas

Proposal for a regulation

Article 1 – paragraph 6

Text proposed by the Commission

6. This Regulation is without prejudice to the application of Articles 101 and 102 TFEU. It is also without prejudice to the application of: national rules prohibiting anticompetitive agreements, decisions by associations of undertakings, concerted practices and abuses of dominant positions; national competition rules prohibiting other forms of unilateral conduct insofar as they are applied to undertakings other than gatekeepers or amount to imposing additional obligations on gatekeepers; Council Regulation (EC) No 139/2004³⁸ and national rules concerning merger control; Regulation (EU) 2019/1150 and Regulation (EU) .../.. of the European Parliament and of the Council³⁹ .

³⁸ Council Regulation (EC) No 139/2004

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Amendment

6. This Regulation **complements and** is without prejudice to the application of Articles 101 and 102 TFEU. It is also without prejudice to the application of: national rules prohibiting anticompetitive agreements, decisions by associations of undertakings, concerted practices and abuses of dominant positions; national competition rules prohibiting other forms of unilateral conduct insofar as they are applied to undertakings other than gatekeepers or amount to imposing additional obligations on gatekeepers; Council Regulation (EC) No 139/2004³⁸ and national rules concerning merger control; Regulation (EU) 2019/1150 and Regulation (EU) .../.. of the European Parliament and of the Council³⁹ .

³⁸ Council Regulation (EC) No 139/2004

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of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

³⁹ Regulation (EU) .../. of the European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.

of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

³⁹ Regulation (EU) .../. of the European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.

Or. en

Amendment 170
Daniel Buda

Proposal for a regulation
Article 1 – paragraph 7

Text proposed by the Commission

7. National authorities shall not take decisions which would run counter to a decision adopted by the Commission under this Regulation. The Commission and Member States shall work in close cooperation and coordination in their enforcement actions.

Amendment

7. National authorities shall not take decisions which would run counter to a decision adopted by the Commission under this Regulation. The Commission and Member States shall work in close cooperation and coordination in their enforcement actions, ***providing close assistance to Member States who request this.***

Or. ro

Amendment 171
Emmanuel Maurel

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

Text proposed by the Commission

(a) online intermediation services;

Amendment

(a) online intermediation services, ***including digital voice assistants, marketplaces and application stores;***

Or. fr

Amendment 172

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) web browsers;

Or. en

Amendment 173

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) Payment aggregation services;

Or. en

Amendment 174

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point h

Text proposed by the Commission

Amendment

(h) advertising services, including any advertising networks, advertising exchanges and any other advertising intermediation services, provided by a provider of any of the core platform services listed in points (a) to (g);

(h) advertising services, including any advertising networks, advertising exchanges and any other advertising intermediation services, provided by a provider **where the undertaking to which it belongs to is also a provider** of any of the core platform services listed in points (a) to (g);

Or. en

Amendment 175
Andrzej Halicki, Axel Voss, Adam Jarubas

Proposal for a regulation
Article 2 – paragraph 1 – point 2 – point h

Text proposed by the Commission

(h) advertising services, including any advertising networks, advertising exchanges and any other advertising intermediation services, provided by a provider of any of the core platform services listed in points (a) to (g);

Amendment

(h) **online** advertising services, including any advertising networks, advertising exchanges and any other advertising intermediation services, provided by a provider of any of the core platform services listed in points (a) to (g);

Or. en

Amendment 176
Patrick Breyer

Proposal for a regulation
Article 2 – paragraph 1 – point 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) embedded digital services in vehicles;

Or. en

Amendment 177
Emmanuel Maurel

Proposal for a regulation
Article 2 – paragraph 1 – point 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) internet browsers;

Or. fr

Amendment 178
Andrzej Halicki, Axel Voss, Adam Jarubas, Pascal Arimont

Proposal for a regulation
Article 2 – paragraph 1 – point 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) web browsers;

Or. en

Amendment 179
Jorge Buxadé Villalba

Proposal for a regulation
Article 2 – paragraph 1 – point 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) web browsers;

Or. es

Amendment 180
Emmanuel Maurel

Proposal for a regulation
Article 2 – paragraph 1 – point 2 – point h b (new)

Text proposed by the Commission

Amendment

(hb) digital voice assistants;

Or. fr

Amendment 181
Patrick Breyer

Proposal for a regulation
Article 2 – paragraph 1 – point 2 – point h b (new)

Text proposed by the Commission

Amendment

(hb) connected TV;

Amendment 182
Emmanuel Maurel

Proposal for a regulation
Article 2 – paragraph 1 – point 2 – point h c (new)

Text proposed by the Commission

Amendment

(hc) marketplaces;

Or. fr

Amendment 183
Emmanuel Maurel

Proposal for a regulation
Article 2 – paragraph 1 – point 2 – point h d (new)

Text proposed by the Commission

Amendment

(hd) application stores;

Or. fr

Amendment 184
Patrick Breyer

Proposal for a regulation
Article 2 – paragraph 1 – point 2 a (new)

Text proposed by the Commission

Amendment

(2a) Non-commercial, not-for profit, collaborative projects, organised on a voluntary basis should not be considered as core services;

Or. en

Amendment 185
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 2 – paragraph 1 – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) ‘Virtual assistant’ means software that responds to oral or written commands expressed in a non-technical language by end-users and perform tasks or services by itself or mediates with IT systems if needed and on behalf of the end user;

Or. en

Amendment 186
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

(7a) ‘Web browser’ means independent or embedded software applications to access and interact with information hosted on web servers and networks such as the internet;

Or. en

Amendment 187
Andrzej Halicki, Axel Voss, Adam Jarubas, Pascal Arimont

Proposal for a regulation
Article 2 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) ‘Web browsers’ are software used by users of client PCs, smart mobile devices and other devices to access and interact with web content hosted on servers that are connected to networks

such as the Internet, including standalone web browsers as well as web browsers integrated or embedded in software or similar;

Or. en

Amendment 188
Emmanuel Maurel

Proposal for a regulation
Article 2 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) ‘Digital voice assistant’ means a software application enabling an oral dialogue with an end user in a natural language. It serves as an intermediary between end users and business users by means of voice applications;

Or. fr

Amendment 189
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 2 – paragraph 1 – point 11 a (new)

Text proposed by the Commission

Amendment

(11a) ‘Payment aggregation services’ means technical services as defined in Article 3(j) of Directive (EU) 2015/2366 of the European Parliament and of the Council, which enable any business activity set out in annex I of Directive (EU) 2015/2366 of the European Parliament and of the Council within the framework of contracts between payment aggregation services providers and third-party providers.

Or. en

Amendment 190

Andrzej Halicki, Axel Voss

Proposal for a regulation

Article 2 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘Software application stores’ means ***a type of online intermediation services***, which is focused on software applications as the intermediated product or service;

Amendment

(12) ‘Software application stores’ means ***any digital service***, which is focused on software applications as the intermediated product or service;

Or. en

Amendment 191

Patrick Breyer

Proposal for a regulation

Article 2 – paragraph 1 – point 13 a (new)

Text proposed by the Commission

Amendment

(13a) ‘embedded digital services in vehicles’ means software embedded in vehicles including for the purpose of gaining insights into vehicle performance and driver behaviour, or for the purpose of accessing audiovisual media content;

Or. en

Amendment 192

Patrick Breyer

Proposal for a regulation

Article 2 – paragraph 1 – point 13 b (new)

Text proposed by the Commission

Amendment

(13b) ‘connected TV’ means a television set connected to the internet that allows user to perform online activities including music and video streaming, or viewing of

pictures;

Or. en

Amendment 193

Patrick Breyer

Proposal for a regulation

Article 2 – paragraph 1 – point 13 c (new)

Text proposed by the Commission

Amendment

(13c) ‘collaborative economy’ refers to business models where activities are facilitated by collaborative platforms that create an open marketplace for the temporary usage of goods or services often provided by private individual;

Or. en

Amendment 194

Andrzej Halicki, Axel Voss, Geoffroy Didier

Proposal for a regulation

Article 2 – paragraph 1 – point 14

Text proposed by the Commission

Amendment

(14) ‘Ancillary service’ means services provided in the context of or together with core platform services, including payment services as defined in point 3 of Article 4 and technical services which support the provision of payment services as defined in Article 3(j) of Directive (EU) 2015/2366, fulfilment, identification or advertising services;

(14) ‘Ancillary service’ means services provided in the context of or together with core platform services, including ***retailing or distribution services***, payment services as defined in point 3 of Article 4 and technical services which support the provision of payment services as defined in Article 3(j) of Directive (EU) 2015/2366, fulfilment, identification or advertising services;

Or. en

Amendment 195

Emmanuel Maurel

Proposal for a regulation
Article 2 – paragraph 1 – point 14

Text proposed by the Commission

(14) ‘Ancillary service’ means services provided in the context of or together with core platform services, including payment services as defined in point 3 of Article 4 and technical services which support the provision of payment services as defined in Article 3(j) of Directive (EU) 2015/2366, fulfilment, identification or advertising services;

Amendment

(14) ‘Ancillary service’ means services provided in the context of or together with core platform services, including **retail activities and** payment services as defined in point 3 of Article 4 and technical services which support the provision of payment services as defined in Article 3(j) of Directive (EU) 2015/2366, fulfilment, identification or advertising services;

Or. fr

Amendment 196
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 2 – paragraph 1 – point 17 a (new)

Text proposed by the Commission

Amendment

(17a) ‘Competitor to the gatekeeper’s core platform service’ means any natural or legal person acting in a commercial or professional capacity providing a core platform service in the same category as the one of the gatekeeper;

Or. en

Amendment 197
Emmanuel Maurel

Proposal for a regulation
Article 2 – paragraph 1 – point 18

Text proposed by the Commission

Amendment

(18) ‘Ranking’ means the relative prominence given to goods or services **offered through online intermediation**

(18) ‘Ranking’ means the relative prominence given to goods or services, or the relevance given to search results, as

services or online social networking services, or the relevance given to search results *by online search engines*, as presented, organised or communicated by *the providers of online intermediation services or of online social networking services or by providers of online search engines, respectively*, whatever the technological means used for such presentation, organisation or communication;

presented, organised or communicated by *service providers*, whatever the technological means used for such presentation, organisation or communication;

Or. fr

Amendment 198

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 2 – paragraph 1 – point 18

Text proposed by the Commission

(18) ‘Ranking’ means the relative prominence given to goods or services offered through online intermediation services or online social networking services, or the relevance given to search results by online search engines, as presented, organised or communicated by the providers of online intermediation services or of online social networking services or by providers of online search engines, respectively, whatever the technological means used for such presentation, organisation or communication;

Amendment

(18) ‘Ranking’ means the relative prominence given to goods or services offered through online intermediation services *including software application stores and virtual assistants* or online social networking services, or the relevance given to search results by online search engines, as presented, organised or communicated by the providers of online intermediation services *including software application stores and virtual assistants* or of online social networking services or by providers of online search engines, respectively, whatever the technological means used for such presentation, organisation or communication;

Or. en

Amendment 199

Jorge Buxadé Villalba

Proposal for a regulation

Article 2 – paragraph 1 – point 18 a (new)

Text proposed by the Commission

Amendment

(18a) ‘Search results’: *the range of products or services which the end-user or professional user finds online ordered according to the demand for those products or services and which may not, under any circumstances, be altered by the gatekeepers for their own benefit;*

Or. es

Amendment 200
Emmanuel Maurel

Proposal for a regulation
Article 2 – paragraph 1 – point 23 a (new)

Text proposed by the Commission

Amendment

(23a) ‘Interoperability’ *means the ability of the legally acquired digital content or digital service to function with software or hardware different from those for which it was originally supplied. Interoperability is part of an open ecosystem which makes it possible to access acquired digital content and services easily;*

Or. fr

Amendment 201
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 2 – paragraph 1 – point 23 a (new)

Text proposed by the Commission

Amendment

(23a) ‘National competent authority’ *means any national authority that has been designated by a Member State as such within the meaning and for the purpose of this Regulation, notably in respect of Article 17;*

Amendment 202

Patrick Breyer

Proposal for a regulation

Article 2 – paragraph 1 – point 23 a (new)

Text proposed by the Commission

Amendment

(23a) ‘consent’ of the data subject means any freely given, specific, informed and unambiguous indication of the data subject’s wishes as defined in point 11 of Article 4 of Regulation (EU) 2016/679;

Or. en

Amendment 203

Emmanuel Maurel

Proposal for a regulation

Article 2 – paragraph 1 – point 23 b (new)

Text proposed by the Commission

Amendment

(23b) ‘internet browser’ means software for accessing, displaying and interacting with content hosted on servers connected to the internet;

Or. fr

Amendment 204

Patrick Breyer

Proposal for a regulation

Article 2 – paragraph 1 – point 23 b (new)

Text proposed by the Commission

Amendment

(23b) ‘profiling’ means any form of automated processing of personal data as defined in point 4 of Article 4 of

Amendment 205
Emmanuel Maurel

Proposal for a regulation
Article 2 – paragraph 1 – point 23 c (new)

Text proposed by the Commission

Amendment

(23c) ‘organic results’ means the results of a search based solely on the relevance of the information;

Or. fr

Amendment 206
Andrzej Halicki, Axel Voss, Adam Jarubas

Proposal for a regulation
Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. ***A provider of*** core platform services shall be designated as gatekeeper if:

1. ***An undertaking that provides*** core platform services shall be designated as gatekeeper if:

Or. en

Amendment 207
Patrick Breyer

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

Text proposed by the Commission

Amendment

(b) it operates a core platform service which serves as an important gateway for business users to reach ***end*** users; and

(b) it operates a core platform service which serves as an important gateway for business users ***or end users*** to reach ***other end users or business*** users; and

Amendment 208

Daniel Buda

Proposal for a regulation

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) it operates a core platform service which serves as an important gateway for business users to reach end users; and

Amendment

(b) it operates a core platform service which serves as an important gateway for business users to reach end users and ***vice-versa***;

Or. ro

Amendment 209

Andrzej Halicki, Axel Voss

Proposal for a regulation

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) ***it operates a*** core platform ***service which*** serves as an important gateway for business users to reach end users; and

Amendment

(b) ***its*** core platform serves as an important gateway for business users to reach end users; and

Or. en

Amendment 210

Andrzej Halicki, Axel Voss

Proposal for a regulation

Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) it enjoys an entrenched and durable position in its operations or it is foreseeable that it will enjoy such a position in the near future.

Amendment

(c) it enjoys an entrenched and durable position in its operations or it is foreseeable that it will enjoy such a position, ***based on an objective assessment by the competent authority taking into account past and***

predicted rates of growth and market concentration, in the near future; and

Or. en

Amendment 211

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) it enjoys an entrenched and durable position in its operations or it is foreseeable that it will enjoy such a position in the *near* future.

Amendment

(c) it enjoys an entrenched and durable position in its operations or it is foreseeable that it will enjoy such a position in the future.

Or. en

Amendment 212

Andrzej Halicki, Axel Voss

Proposal for a regulation

Article 3 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) it has the ability to transfer its own core competencies to other areas.

Or. en

Amendment 213

Andrzej Halicki, Axel Voss

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the requirement in paragraph 1 point (a) where the undertaking to which it belongs achieves an annual EEA turnover

(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;

equal to or above EUR **10** 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 **100** billion in the last financial year, and it provides a core platform service in at least three Member States;

Or. en

Amendment 214

Andrzej Halicki, Axel Voss

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 the Union in the last financial year;

Amendment

(b) the requirement in paragraph 1 point (b) where it provides **two or more** core platform **services** that has **each** 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 the Union in the last financial year. **Monthly active end users and yearly active business users should be measured taking into account the indicators set out in the Annex to this Regulation;**

Or. en

Amendment 215

Andrzej Halicki, Axel Voss

Proposal for a regulation

Article 3 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the requirement in paragraph 1 point (d) where the provider either offers a multi-platform integration with at least

two core platform services or has a dual role.

Or. en

Amendment 216

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 3 – paragraph 3 – introductory part

Text proposed by the Commission

3. Where a provider of core platform services meets all the thresholds in paragraph 2, it shall notify the Commission thereof within **three months** after those thresholds are satisfied and provide it with the relevant information identified in paragraph 2.. That notification shall include the relevant information identified in paragraph 2 for each of the core platform services of the provider that meets the thresholds in paragraph 2 point (b). The notification shall be updated whenever other core platform services individually meet the thresholds in paragraph 2 point (b).

Amendment

3. Where a provider of core platform services meets all the thresholds in paragraph 2, it shall notify the Commission thereof within **one month** after those thresholds are satisfied and provide it with the relevant information identified in paragraph 2.. That notification shall include the relevant information **relating to the quantitative thresholds** identified in paragraph 2 for each of the core platform services of the provider that meets the thresholds in paragraph 2 point (b). The notification shall be updated whenever other core platform services individually meet the thresholds in paragraph 2 point (b).

Or. en

Amendment 217

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 3 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Where the gatekeeper presents such sufficiently substantiated arguments to demonstrate that it does not satisfy the requirements of paragraph 1, the Commission shall apply paragraph 6 to assess whether the criteria in paragraph 1

Amendment

deleted

are met.

Or. en

Amendment 218

Andrzej Halicki, Axel Voss, Adam Jarubas

Proposal for a regulation

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where the provider of the core platform service fails to provide within the deadline set by the Commission all the relevant information that is required to assess its designation as gatekeeper pursuant to Article 3 (2), the Commission shall be entitled to designate that provider as a gatekeeper based on the facts available.

Or. en

Amendment 219

Jorge Buxadé Villalba

Proposal for a regulation

Article 3 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission is empowered to adopt delegated acts in accordance with Article 37 to specify the methodology for determining whether the quantitative thresholds laid down in paragraph 2 are met, and to regularly adjust it to market and technological developments where necessary, in particular as regards the threshold in paragraph 2, point (a).

deleted

Or. es

Amendment 220

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 3 – paragraph 6 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the ability of the undertaking to implement conglomerate strategies, in particular through its vertical integration or its significant leverage in related markets;

Or. en

Amendment 221

Daniel Buda

Proposal for a regulation

Article 3 – paragraph 6 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) business user or end user lock-in;

(e) business user or end user lock-in, *including in terms of the limiting of option rights;*

Or. ro

Amendment 222

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 3 – paragraph 6 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) other structural market characteristics.

(f) other structural market characteristics *such as the degree of multi-homing among business and end-users of the core platform services provided.*

Or. en

Amendment 223

Daniel Buda

Proposal for a regulation

Article 3 – paragraph 6 – subparagraph 2

Text proposed by the Commission

In conducting its assessment, the Commission shall take into account foreseeable developments of these elements.

Amendment

In conducting its assessment, the Commission shall take into account foreseeable developments, ***as evaluated at least in the short term***, of these elements.

Or. ro

Amendment 224

Stéphane Séjourné, Adrián Vázquez Lázara

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 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.

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 ***pursuant to Chapter V of this Regulation*** 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.

Or. en

Amendment 225

Jorge Buxadé Villalba

Proposal for a regulation

Article 3 – paragraph 6 – subparagraph 3

Text proposed by the Commission

Where the provider of a core platform

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.

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, **at the request of the Member States**, shall be entitled to designate that provider as a gatekeeper.

Or. es

Amendment 226

Stéphane Séjourné, Adrián Vázquez Lázara

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 **pursuant to Chapter V of this Regulation** 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.

Or. en

Amendment 227

Jorge Buxadé Villalba

Proposal for a regulation

Article 3 – paragraph 6 – subparagraph 4

Text proposed by the Commission

Where the provider of a core platform

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 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.

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, **at the request of the Member States**, shall be entitled to designate that provider as a gatekeeper based on facts available.

Or. es

Amendment 228
Patrick Breyer

Proposal for a regulation
Article 3 – paragraph 7

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 229
Emmanuel Maurel

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

Amendment

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 **as quickly as possible, and by no later**

service has been included in the list pursuant to paragraph 7 of this Article.

than three months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

Or. fr

Amendment 230
Jorge Buxadé Villalba

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission may upon request *or its own initiative* reconsider, amend or repeal at any moment a decision adopted pursuant to Article 3 for one of the following reasons:

Amendment

1. The Commission may upon request reconsider, amend or repeal at any moment a decision adopted pursuant to Article 3 for one of the following reasons:

Or. es

Amendment 231
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 4 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) there is new relevant information that was not examined before the adoption of the decision;

Or. en

Amendment 232
Andrzej Halicki, Axel Voss, Adam Jarubas

Proposal for a regulation
Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 233
Jorge Buxadé Villalba

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The Commission shall, ***on a quarterly basis and whenever the Member States so request***, publish and update the list of gatekeepers and the list of the core platform services for which they need to comply with the obligations laid down in Articles 5 and 6 on an on-going basis.

Or. es

Amendment 234
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. The Commission shall publish and update the list of gatekeepers and the list of the core platform services for which they need to comply with the obligations laid

Amendment

3. The Commission shall publish and update the list of gatekeepers and the list of the core platform services for which they need to comply with the obligations laid

down in Articles 5 and 6 on an on-going basis.

down in Articles 5 and 6 on an on-going basis ***and send it to the European Parliament.***

Or. en

Amendment 235

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data unless the end user has been presented with the specific choice and provided consent in the sense of Regulation (EU) 2016/679. ***In the event that the end user has been presented with the specific choice and has not provided consent, or has withdrawn consent, the gatekeeper shall refrain from offering different or degraded services compared to the services offered to an end user that provided consent, unless such consent is indispensable to ensure the same quality of service;***

Or. en

Amendment 236

Jorge Buxadé Villalba

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) refrain from combining personal

Amendment

(a) refrain from combining personal

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

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

Or. es

Amendment 237
Emmanuel Maurel

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

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 238
Patrick Breyer

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

Text proposed by the Commission

(a) refrain from combining personal data sourced from these core platform services with personal data from any other

Amendment

(a) refrain from combining personal data sourced from these core platform services with personal data from any other

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

services offered by the gatekeeper or with personal data from third-party services, and from signing in ***business users or*** end users to other services of the gatekeeper in order to combine personal data;

Or. en

Amendment 239
Emmanuel Maurel

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

Text proposed by the Commission

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

Amendment

(b) ***refrain from setting contractual obligations which limit the possibility for business users and providers of ancillary services of the gatekeeper*** to offer the same products or services to end users, ***either themselves through online direct sales channels or*** through third party online intermediation services, at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

Or. fr

Amendment 240
Andrzej Halicki, Axel Voss, Geoffroy Didier

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

Text proposed by the Commission

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

Amendment

(b) ***refrain from applying contractual obligations that prevent business users from offering business users from offering*** the same products or services to end users ***themselves or*** through third party

online intermediation services of the gatekeeper;

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

Or. en

Amendment 241

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 5 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 242

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) refrain from requiring business users to inform the gatekeeper of the differentiated prices or conditions they choose to apply on their own channel of distribution or through any other means;

Or. en

Amendment 243

Stéphane Séjourné, Adrián Vázquez Lázara

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 244
Andrzej Halicki, Axel Voss

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 245
Emmanuel Maurel

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

Text proposed by the Commission

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

Amendment

(d) refrain from preventing or restricting business users, ***providers of ancillary services of the gatekeeper, end users or third parties having a legitimate interest*** from raising issues with any relevant public authority relating to any practice of gatekeepers;

Or. fr

Amendment 246
Stéphane Séjourné, Adrián Vázquez Lázara

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

Text proposed by the Commission

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

Amendment

(d) refrain from preventing or restricting business users ***and end-users*** from raising issues with any relevant public authority relating to any practice of gatekeepers ***including through the reporting mechanism for business users and end-users pursuant to Article 21a;***

Or. en

Amendment 247
Andrzej Halicki, Axel Voss, Adam Jarubas, Geoffroy Didier

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 248
Daniel Buda

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

Text proposed by the Commission

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

Amendment

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

Or. ro

Amendment 249
Stéphane Séjourné, Adrián Vázquez Lázara

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

Text proposed by the Commission

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

Amendment

(e) refrain from requiring business users to use, offer or interoperate with ***any ancillary service as defined in points (14) and (15) of Article 2*** of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

Or. en

Amendment 250
Emmanuel Maurel

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

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 251
Emmanuel Maurel

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

Text proposed by the Commission

(ea) refrain from requiring business users to use the ancillary services of gatekeepers;

Amendment

Or. fr

Amendment 252
Andrzej Halicki, Axel Voss, Adam Jarubas

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

Text proposed by the Commission

(f) refrain from requiring business users or end users to subscribe to or register with any other core platform services identified pursuant to Article 3 or which meets the thresholds in Article

Amendment

(f) refrain from requiring business users or end users ***to use***, to subscribe to or register with any other core platform services identified pursuant to Article 3 or which meets the thresholds in Article

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

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

Or. en

Amendment 253

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 5 – paragraph 1 – point f

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 254

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 5 – paragraph 1 – point g

Text proposed by the Commission

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

Amendment

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

including aggregated data and performance data in a manner that would allow advertisers and publishers to run their own verification and measurement tools to assess performance of the core services provided for by the gatekeepers;

Or. en

Amendment 255

Patrick Breyer

Proposal for a regulation

Article 5 – paragraph 1 – point g

Text proposed by the Commission

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

Amendment

(g) provide advertisers and publishers to which it supplies **targeted digital** advertising services **based on contextual information**, upon their request, with information concerning the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper, **and refrain from collecting or processing personal data as defined by Regulation (EU) 2016/679 for the purpose of determining the end users to whom advertisements are displayed.**

Or. en

Amendment 256

Andrzej Halicki, Axel Voss, Adam Jarubas

Proposal for a regulation

Article 5 – paragraph 1 – point g

Text proposed by the Commission

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

Amendment

(g) provide **individual** advertisers and publishers to which it supplies advertising services with **free of charge, high-quality**,

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

effective, continuous and real-time access to information on the visibility and availability of advertisement portfolio as well as pricing conditions concerning the bids placed by advertisers and advertising intermediaries, the price paid by the advertiser and publisher, as well as the amount and remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

Or. en

Amendment 257
Emmanuel Maurel

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

Text proposed by the Commission

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

Amendment

(g) provide advertisers, *publishers and third parties having a legitimate interest*, upon request *and for each advertising service, with all non-personal information so that they can verify the performance and scope of the service ordered;*

Or. fr

Amendment 258
Stéphane Séjourné, Adrián Vázquez Lázara

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

Text proposed by the Commission

(ga) refrain from imposing on business users or end users software applications or services, which are used in the context of or together with core platform services,

Amendment

or contractual licensing agreements, which would limit end users' ability or economic incentive to use third party software applications or service and/or give preferential treatment to the gatekeeper's own products or services;

Or. en

Amendment 259

Patrick Breyer

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ga) allow end users, and business users of number independent interpersonal communication services and social networking services to access and interoperate with the main functionalities of the gatekeepers' services for the purpose of enabling cross-platform exchange of information by providing open standards, and open protocols including Application Programming Interfaces;

Or. en

Amendment 260

Emmanuel Maurel

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ga) refrain from imposing the use of a single payment method as a condition for business users to use or allow access to one of its core platform services;

Or. fr

Amendment 261
Jorge Buxadé Villalba

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

Text proposed by the Commission

Amendment

(ga) ban on ‘auctioning insider knowledge’ in the digital advertising market in order to avoid any knowledge advantage on the part of gatekeepers.

Or. es

Amendment 262
Emmanuel Maurel

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. fr

Amendment 263
Emmanuel Maurel

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

Text proposed by the Commission

Amendment

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

(a) refrain from using, in competition with business users **of its core platform services and providers of ancillary services, including distribution services**, any data not publicly available which is

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

generated through activities by those business users *or providers*, including by *their* end users, or provided by those business users *or providers* or by *their* end users;

Or. fr

Amendment 264

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 265

Patrick Breyer

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

business users;

of these business users;

Or. en

Amendment 266

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 6 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) refrain from exclusively enabling its own core platform services as default services when equivalent alternative services which perform the same function can be proposed in non-discriminatory manner;

Or. en

Amendment 267

Emmanuel Maurel

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

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

Moreover, nothing shall prevent the gatekeeper from taking proportionate

action to enforce intellectual property rights and tackle counterfeiting and illegal content online.

Or. fr

Amendment 268

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 269

Patrick Breyer

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) allow the installation and effective use of third party software applications or software application stores using, or

Amendment

(c) allow the installation and effective use of third party software applications or software application stores ***or repositories***

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

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

Or. en

Amendment 270

Andrzej Halicki, Axel Voss, Adam Jarubas, Geoffroy Didier

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 271

Emmanuel Maurel

Proposal for a regulation

Article 6 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

(d) refrain from treating more favourably in ranking, **display and other parameters and in access to and conditions of use of services**, services and products offered by the gatekeeper itself or by any third party, **whether or not they belong** to the same **undertakings**, compared to similar services or products of **a** third party and apply **transparent**, fair and non-discriminatory conditions to such ranking;

Or. fr

Amendment 272

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 6 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 273

Jorge Buxadé Villalba

Proposal for a regulation

Article 6 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Or. es

Amendment 274

Andrzej Halicki, Axel Voss, Geoffroy Didier

Proposal for a regulation

Article 6 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 275

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 6 – paragraph 1 – point e

Text proposed by the Commission

(e) refrain from technically restricting the ability of end users to switch between and subscribe to different software applications and services to be accessed using the operating system of the

Amendment

(e) refrain from technically restricting the ability of end users to switch between and subscribe to different software applications and services to be accessed using the operating system ***or the cloud***

gatekeeper, including as regards the choice of Internet access provider for end users;

computing services of the gatekeeper, including as regards the choice of Internet access provider for end users **or using its virtual assistant**;

Or. en

Amendment 276

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 6 – paragraph 1 – point f

Text proposed by the Commission

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

Amendment

(f) allow business **users, end** users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features, **including near-field communication antennas or technology related to these antennas**, that are available or used in the provision by the gatekeeper of any ancillary services **or industry-standard features of its core platform services; in such cases, access and interoperability conditions shall be fair, reasonable and non-discriminatory**;

Or. en

Amendment 277

Patrick Breyer

Proposal for a regulation

Article 6 – paragraph 1 – point f

Text proposed by the Commission

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

Amendment

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

ancillary services;

Or. en

Amendment 278
Emmanuel Maurel

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

Text proposed by the Commission

Amendment

(fa) allow effective interoperability for end users of a legally acquired digital content or service. They must be able to access such content without any technical restriction;

Or. fr

Amendment 279
Stéphane Séjourné, Adrián Vázquez Lázara

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

Text proposed by the Commission

Amendment

(g) provide advertisers and publishers, upon their request and free of charge, with access to the performance measuring tools of the gatekeeper and the information necessary for advertisers and publishers to carry out their own independent verification of the ad inventory;

(g) provide **advertisers and publishers, or third parties authorised by** advertisers and publishers, upon their request and free of charge, with **continuous, detailed, comprehensive, accessible and real-time access information** access to the performance measuring tools of the gatekeeper and the information necessary for advertisers and publishers to carry out their own independent verification of the ad inventory, **including aggregated data and performance data in a manner that would allow advertisers and publishers to run their own verification and measurement tools to assess performance of the core services provided for by the gatekeepers;**

Amendment 280

Patrick Breyer

Proposal for a regulation

Article 6 – paragraph 1 – point g

Text proposed by the Commission

(g) provide advertisers and publishers, upon their request and free of charge, with access to the performance measuring tools of the gatekeeper and the information necessary for advertisers and publishers to carry out their own independent verification of the ad inventory;

Amendment

(g) provide advertisers and publishers, upon their request and free of charge, with access to the performance measuring tools of the gatekeeper ***for the purpose of targeted digital advertising based on contextual information*** and the information necessary for advertisers and publishers to carry out their own independent verification of the ad inventory;

Or. en

Amendment 281

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 6 – paragraph 1 – point h

Text proposed by the Commission

(h) provide effective portability of data generated through the activity of a business user or end user and shall, in particular, provide tools for end users to facilitate the exercise of data portability, in line with Regulation EU 2016/679, including by the provision of continuous and real-time access;

Amendment

(h) provide effective portability of data ***provided for or*** generated through ***or in the context of*** the activity of a business user or end user and shall, in particular, provide ***free of charge and technically accessible*** tools for ***business users, or third parties authorised by business users or*** end users to facilitate the exercise of data portability, in line with Regulation EU 2016/679, including by the provision of continuous and real-time access;

Or. en

Amendment 282
Emmanuel Maurel

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

Text proposed by the Commission

(h) provide effective portability of data generated through the activity of a business user or end user and shall, in particular, provide tools for end users to facilitate the exercise of data portability, in line with Regulation EU 2016/679, including by the provision of continuous and real-time access ;

Amendment

(h) provide effective portability of data generated through the activity of a business user or **by goods and services provided by a provider of ancillary services of a gatekeeper or** end user and shall, in particular, provide tools for end users to facilitate the exercise of data portability, in line with Regulation EU 2016/679, including by the provision of continuous and real-time access;

Or. fr

Amendment 283
Emmanuel Maurel

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

Text proposed by the Commission

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

Amendment

(i) provide business users **and providers of ancillary services, including distribution services,** or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of aggregated or non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform **services and ancillary** 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 *from the gatekeeper or directly from the relevant business user as set out in Article 11(2)* in the sense of Regulation (EU) 2016/679;

Or. fr

Amendment 284
Patrick Breyer

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

Text proposed by the Commission

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

Amendment

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of aggregated or non-aggregated ***non-personal*** data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide, ***with the consent of the data subject***, access ***to*** and use ***of those data*** 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 285
Stéphane Séjourné, Adrián Vázquez Lázara

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

Text proposed by the Commission

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

Amendment

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of aggregated or non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services ***or of ancillary services offered by the gatekeeper*** by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679;

Or. en

Amendment 286
Emmanuel Maurel

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

Text proposed by the Commission

(j) provide to any third party providers of online search engines, upon their request, with access on fair, reasonable and non-discriminatory terms to ranking, query, click and view data in relation to free and paid search generated by end users on online search engines of the gatekeeper, subject to anonymisation for the query, click and view data that constitutes personal data;

Amendment

deleted

Or. fr

Amendment 287

Patrick Breyer

Proposal for a regulation

Article 6 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) provide to any third party providers of online search engines, upon their request, with access on fair, reasonable and non-discriminatory terms to ranking, query, click and view data in relation to free and paid search generated by end users on online search engines of the gatekeeper, subject to anonymisation for the query, click and view data that constitutes personal data;

deleted

Or. en

Amendment 288

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 6 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) apply fair and non-discriminatory general conditions of access for business users to its software application store designated pursuant to Article 3 of this Regulation.

(k) apply fair and non-discriminatory general conditions of access for business users to its *or of ancillary services offered by the gatekeeper* software application store, *cloud computing services, online search engines and online social networking services* designated pursuant to Article 3 of this Regulation.

Or. en

Amendment 289

Jorge Buxadé Villalba

Proposal for a regulation

Article 6 – paragraph 1 – point k

Text proposed by the Commission

(k) apply fair and non-discriminatory general conditions of access for business users to its software application store designated pursuant to Article 3 of this Regulation.

Amendment

(k) apply fair and non-discriminatory general conditions of access **and treatment** for business users to its **core platform service, in particular its** software application store, **its online search engine and its social network service** designated pursuant to Article 3 of this Regulation.

Or. es

Amendment 290
Emmanuel Maurel

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

Text proposed by the Commission

(k) apply fair and non-discriminatory general conditions of access for business users to its software application store designated pursuant to Article 3 of this Regulation.

Amendment

(k) apply fair and non-discriminatory general conditions of access for business users **of its core platform, including** its software application store, **its digital voice assistant, its online search engine and its online social network** designated pursuant to Article 3 of this Regulation.

Or. fr

Amendment 291
Andrzej Halicki, Axel Voss, Adam Jarubas, Geoffroy Didier, Pascal Arimont

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

Text proposed by the Commission

(k) apply fair and non-discriminatory general conditions of access for business users to its software application store designated pursuant to Article 3 of this Regulation.

Amendment

(k) apply fair and non-discriminatory general conditions of access **and treatment** for business users **to its core platform services, in particular** to its software application store, **online search engine and to its online social networking service** designated pursuant to Article 3 of this

Regulation.

Or. en

Amendment 292
Tiemo Wölken

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

Text proposed by the Commission

Amendment

(ka) provide business users of online intermediation services with access to communication channels without supervision, interference or access by the gatekeeper for the purpose of sharing concerns among business users about discriminatory or unfair business practices by the gatekeeper within the meaning of this Regulation and in view of taking action in accordance with Article 33 paragraph 2a, notwithstanding their obligations under national or Union legislation;

Or. en

Justification

Online intermediation services are an important and growing category of gatekeeping platforms. Their crucial position in their market between business users and end users puts them in a powerful position that may empower them to exploit business or end users. These provisions aim to create transparency for these services and to provide business users of these platforms with the possibility to address unfair business practices within the meaning of this Regulation, including pursuing action against the gatekeeper in accordance with Article 33 paragraph 2a.

Amendment 293
Stéphane Séjourné, Adrián Vázquez Lázara

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

Text proposed by the Commission

Amendment

(ka) provide its business users and end users with clear, fair and non-discriminatory licensing conditions, including in terms of charges and fees, preventing material changes limiting the use of software applications or services in conjunction with a core platform service, and safeguarding the reasonably expected use of the software application or service, including after its transfer to another end user, where applicable.

Or. en

Amendment 294
Jorge Buxadé Villalba

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

Text proposed by the Commission

Amendment

(ka) allow gatekeepers to participate in binding procedures so that they can set a fair price for the services offered, as is the case with publisher's right licenses.

Or. es

Amendment 295
Emmanuel Maurel

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

Text proposed by the Commission

Amendment

(ka) refrain from displaying a preferential ranking following a search. Preference should be given to displaying organic results;

Or. fr

Amendment 296
Jorge Buxadé Villalba

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

Text proposed by the Commission

Amendment

(kb) in the event of a dispute concerning the fairness of a price or remuneration as a condition for access by professional users to each of the core services of its platform identified in accordance with Article 3(7), the gatekeeper shall participate in a binding procedure for the setting of an equitable price or remuneration and adhere to its results. The procedure regarding the issue of remuneration and price shall start if the parties have not reached an agreement about terms for resolving the issue of remuneration and pricing within 3 months of the request by one party to start a negotiation or of one party's refusal to negotiate.

Or. es

Amendment 297
Tiemo Wölken

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

Text proposed by the Commission

Amendment

(kb) provide business users of online intermediation services and third parties with legitimate interest in representing business users or end users with information regarding the function of its algorithms, ratings and interactions, pricing and fees, changes of terms and algorithms, tracking of business or end users, and deactivation procedures in a clear, comprehensive and easily accessible

way;

Or. en

Justification

Online intermediation services are an important and growing category of potential gatekeeping platforms. Their crucial position in their market between business users and end users puts them in a powerful position that may empower them to exploit business or end users. These provisions aim to create transparency for these services and to provide business users of these platforms with the possibility to address unfair business practices within the meaning of this Regulation, including pursuing action against the gatekeeper in accordance with Article 33 paragraph 2a.

Amendment 298
Emmanuel Maurel

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. For the purposes of point (a) of paragraph 1 data that is not publicly available shall include any aggregated and non-aggregated data generated by business users that can be inferred from, or collected through, the commercial activities of business users or their customers on the core platform service of the gatekeeper.

Amendment

2. For the purposes of point (a) of paragraph 1 data that is not publicly available shall include any aggregated and non-aggregated data generated by business users ***or generated by goods and services produced, by a provider of ancillary services, for the account of the gatekeeper,*** that can be inferred from, or collected through, the commercial activities of business users or their customers on the core platform ***service, distribution, payment or any other ancillary*** service of the gatekeeper.

Or. fr

Amendment 299
Andrzej Halicki, Axel Voss, Geoffroy Didier

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. For the purposes of point (a) of paragraph 1 data that is not publicly available shall include any aggregated and non-aggregated data generated by business users that can be inferred from, or collected through, the commercial activities of business users or their customers on the core platform service of the gatekeeper.

Amendment

2. For the purposes of point (a) of paragraph 1 data that is not publicly available shall include any aggregated and non-aggregated data generated by business users ***or generated by goods and services provided by a supplier to the gatekeeper's ancillary services notably distribution***, that can be inferred from, or collected through, the commercial activities of business users or their customers on the core platform, ***distribution or other ancillary*** service of the gatekeeper.

Or. en

Amendment 300

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Before implementing any change to fees or fee structures charged to business users and which follow from the gatekeeper's obligations pursuant to paragraph 1, the gatekeeper shall notify the Commission and the affected business users at least one month in advance of such changes;

Or. en

Amendment 301

Emmanuel Maurel

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. The measures implemented by the

1. The measures implemented by the

gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. The gatekeeper ***must demonstrate compliance with the obligations laid down in Articles 5 and 6*** shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

Or. fr

Amendment 302
Daniel Buda

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

Amendment

1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be ***fully*** effective in achieving the objective of the relevant obligation ***and lead towards this***. The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

Or. ro

Amendment 303
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 7 – paragraph 1 a (new)

1a. Within six months after its designation pursuant to paragraph 8 of Article 3, the gatekeeper shall provide the Commission with detailed information on the measures to be taken in order to ensure compliance with its obligations laid down in Articles 5 and 6. This information shall be provided in the form of a report and shall be updated on an annual basis, whereby a summary of this report shall be published on the Commission's website without undue delay.

Or. en

Amendment 304

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.

Amendment

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement ***in order to comply with the obligations laid down in Article 6. In view of adopting the decision, the Commission shall take into account the information provided by all relevant stakeholders, such as interested third parties, governments or national authorities.*** The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.

Or. en

Amendment 305
Patrick Breyer

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it **may** by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.

Amendment

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it **shall** by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.

Or. en

Amendment 306
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within three months from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings.

Amendment

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within three months from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings. ***Legitimate third parties with direct implication shall be able to provide comments to the national competent authorities with regard to the preliminary findings. Member States shall define the rules to exercise such consultation***

procedure.

Or. en

Amendment 307

Patrick Breyer

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 and ***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. en

Amendment 308

Patrick Breyer

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), the Commission shall, in cooperation with the Gatekeeper, business users and end user representatives define 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 gate keepers core service and to interoperate

with it. Interoperation between end users shall require their informed consent. Providers of online platforms shall not process information obtained for the purpose of interoperating for other purposes. 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 309

Andrzej Halicki, Axel Voss, Adam Jarubas

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 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. *In* its request, *the gatekeeper shall* 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 310

Stéphane Séjourné, Adrián Vázquez Lázara

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 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 **shall**, 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 311
Jorge Buxadé Villalba

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, **or acting by court order**, 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 312

Andrzej Halicki, Axel Voss, Adam Jarubas

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 ***wholly or partly*** lift the suspension or decide that the conditions of paragraph 1 continue to be met.

Or. en

Amendment 313

Jorge Buxadé Villalba

Proposal for a regulation

Article 8 – paragraph 3 – introductory part

Text proposed by the Commission

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.

Amendment

3. The Commission may, acting on a reasoned request by a gatekeeper ***or on a court order***, 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.

Or. es

Amendment 314

Jorge Buxadé Villalba

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 ***a court order or upon the request of the Member States***, 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. es

Amendment 315

Andrzej Halicki, Axel Voss

Proposal for a regulation

Article 9 – paragraph 2 – point a

Text proposed by the Commission

(a) ***public morality***;

Amendment

deleted

Or. en

Amendment 316

Jorge Buxadé Villalba

Proposal for a regulation

Article 9 – paragraph 3 – introductory part

Text proposed by the Commission

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

Amendment

3. The Commission may, acting on a reasoned request by a gatekeeper or on ***a court order or upon the request of the Member States***, provisionally suspend the application of the relevant obligation to

services already prior to the decision pursuant to paragraph 1.

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

Or. es

Amendment 317

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 9 – 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 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.

Amendment

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. ***The Commission shall review any exemption decision adopted according to paragraph 1 on an annual basis and may amend its decision in accordance with its findings.***

Or. en

Amendment 318

Jorge Buxadé Villalba

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

Amendment

deleted

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. es

Amendment 319

Stéphane Séjourné, Adrián Vázquez Lázara

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 37 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

Amendment 320

Patrick Breyer

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

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 that is

the service provided by the gatekeeper to business users; or

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

Or. en

Amendment 321

Daniel Buda

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

Or. ro

Amendment 322

Daniel Buda

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, **accessibility** 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 **prejudice** the exercise of those rights or choices.

Or. ro

Amendment 323

Stéphane Séjourné, Adrián Vázquez Lázara

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 324
Andrzej Halicki, Axel Voss, Adam Jarubas, Geoffroy Didier

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 ***and 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 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 325
Jorge Buxadé Villalba

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 **and the 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 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. es

Amendment 326
Stéphane Séjourné, Adrián Vázquez Lázara

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 **within 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. **The Commission shall make this information available to relevant national authorities.**

Or. en

Amendment 327
Jorge Buxadé Villalba

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 **and the national authorities** 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.

Or. es

Amendment 328

Andrzej Halicki, Axel Voss, Adam Jarubas

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.

Or. en

Amendment 329

Stéphane Séjourné, Adrián Vázquez Lázara

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

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.

well as the rationale of the intended concentration.

Or. en

Amendment 330

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 12 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall inform the competent national authorities of any information received pursuant to paragraphs 1 and 2. With due respect to the protection of trade secrets, the Commission shall publish annually the list of acquisitions of which it has been informed by gatekeepers which have fallen below the notification thresholds of Council Regulation No 139/2004.

Or. en

Amendment 331

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

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.

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. ***Without prejudice to trade secrets protection, the gatekeeper shall make an overview of the audited description of applied profiling techniques of consumers publicly available.*** This

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

Or. en

Amendment 332

Patrick Breyer

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.***

Or. en

Amendment 333

Daniel Buda

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

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 ***business users and end users or*** consumers that the gatekeeper applies to or across its core platform services identified pursuant to

at least annually.

Article 3. This description shall be updated at least annually.

Or. ro

Amendment 334

Patrick Breyer

Proposal for a regulation

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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 335

Jorge Buxadé Villalba

Proposal for a regulation

Article 14 – paragraph 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) a national authority responsible so requests

Or. es

Amendment 336

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 14 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) a significant number of unfair practices alerts have been raised by national authorities pursuant the reporting mechanism or other relevant stakeholders.

Or. en

Amendment 337

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 14 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(bb) there is new relevant information that was not examined before the adoption of the decision;

Or. en

Amendment 338

Jorge Buxadé Villalba

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, **solely upon request of at least 3 Member States' national authorities**, 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. es

Amendment 339

Stéphane Séjourné, Adrián Vázquez Lázara

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 **and national competition authorities** 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) **and Article 3 (8)**. 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 340

Andrzej Halicki, Axel Voss, Adam Jarubas

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

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).

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 341

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 15 – paragraph 3

Text proposed by the Commission

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.

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 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 342

Emmanuel Maurel

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

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.

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 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. fr

Amendment 343

Stéphane Séjourné, Adrián Vázquez Lázara

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, it shall declare applicable to that gatekeeper *specific* obligations laid down in Article 5 and Article 6 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 344
Stéphane Séjourné, Adrián Vázquez Lázara

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 *any* 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, *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 within twelve months from the opening of the market investigation.

Or. en

Amendment 345
Emmanuel Maurel

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.

Or. fr

Amendment 346
Emmanuel Maurel

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 **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 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. fr

Amendment 347
Stéphane Séjourné, Adrián Vázquez Lázara

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

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.

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 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 348

Andrzej Halicki, Axel Voss, Adam Jarubas

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 **four** 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 **effective**, necessary and proportionate.

Or. en

Amendment 349

Stéphane Séjourné, Adrián Vázquez Lázara

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 **and competent national authorities** may conduct a market investigation with the purpose of examining whether one or more services within the digital sector should be added 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.

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.

Or. en

Amendment 350
Emmanuel Maurel

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 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 **six** months from the opening of the market investigation.

Or. fr

Amendment 351
Jorge Buxadé Villalba

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

Amendment 352
Jorge Buxadé Villalba

Proposal for a regulation
Article 17 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) be circulated prior to its publication to the relevant national authorities so that they may include amendments and specific recommendations;

Or. es

Amendment 353
Jorge Buxadé Villalba

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

Amendment

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***.

1. The Commission, ***acting only upon request of a Member State and providing due justification for its actions while respecting the principle of subsidiarity and the principle of proportionality, may*** 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 ***in full respect of confidentiality and Directive 2016/943 on trade secrets***.

Or. es

Amendment 354
Jorge Buxadé Villalba

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 legal basis**, the purpose of the request, specify what information is required and fix **a reasonable** 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.

Or. es

Amendment 355
Jorge Buxadé Villalba

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

Amendment

4. Where the Commission requires undertakings and associations of undertakings to supply information by decision, it shall **always respect confidentiality and the provisions of Directive 2016/943 on trade secrets**, 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

of Justice.

indicate the right to have the decision reviewed by the Court of Justice. ***At any rate, in the event that certain confidential information provided to the Commission is leaked, voluntarily or erroneously, directly or indirectly, the Commission shall be subsidiarily liable for remedying any actual or potential damage caused to the undertaking.***

Or. es

Amendment 356

Stéphane Séjourné, Adrián Vázquez Lázara

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. ***The decision*** 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.

Or. en

Amendment 357

Stéphane Séjourné, Adrián Vázquez Lázara

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 **or on their own initiative, relevant public** authorities, **bodies or agencies within** of the Member States shall provide the Commission with all **the** necessary information to carry out the duties assigned to it by this Regulation.

Or. en

Amendment 358
Jorge Buxadé Villalba

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 **may** provide the Commission with **additional** information to carry out the duties assigned to it by this Regulation.

Or. es

Amendment 359
Jorge Buxadé Villalba

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 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. **The reason**

for the interview shall be stated in the summons and under no circumstances shall the interview be compulsory for the interviewee.

Or. es

Amendment 360

Stéphane Séjourné, Adrián Vázquez Lázara

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 competent national authorities***, 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, ***pursuant to Articles 7, 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 361

Jorge Buxadé Villalba

Proposal for a regulation

Article 21 – paragraph 1 a (new)

Text proposed by the Commission

1a. The Commission shall inform the competent national authorities of the records and visits and shall share with those authorities any information obtained therefrom.

Or. es

Amendment 362

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 21 – paragraph 2

Text proposed by the Commission

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).

Amendment

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) ***as well as competent national authorities in the territory of that Member State, where the gatekeeper has its premises.***

Or. en

Amendment 363

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21a

Reporting mechanism for business users, end-users and relevant stakeholders

1. Business users, competitors and end-users of the core platform services as defined in Article 2(2) may notify to the Commission as well as to the competent national authority any malpractice or behaviour by gatekeepers, which could possibly undermine the contestability of a core platform service, may be unfair pursuant to Article 10 (2) , or give rise to concerns with regard to non-compliance pursuant to Article 25.

2. The Commission shall share the information received pursuant to paragraph 1 with the competent national authorities through the European Competition Network.

3. The Commission may be able to

prioritise investigations and may decide to not undertake investigations at all.

4. Without prejudice to Article 33, the competent national authority may request the Digital Markets Advisory Committee to adopt a reasoned opinion in this regard within one month after having received the request.

5. If the reasoned opinion states that the circumstances would justify an enforcement priority, the Commission shall within a further delay of four months examine whether there are reasonable grounds to open such investigation. Where the Commission does not follow the reasoned opinion of the Advisory Committee, it shall give its reasons.

Or. en

Amendment 364
Jorge Buxadé Villalba

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, 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. ***The Commission's decision shall not encompass national competences and shall be strictly in line with the principle of subsidiarity.***

Or. es

Amendment 365
Stéphane Séjourné, Adrián Vázquez Lázara

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 366
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In 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 several gatekeepers that may undermine contestability of core platform services or may be unfair pursuant to Article 10 (2), the Commission may, by decision adopted in accordance with the advisory procedure referred to in Article 32(4), order interim measures on the concerned gatekeepers in order to avoid the materialization of the said risk.

Or. en

Amendment 367

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 22 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *A decision pursuant to paragraph 3 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 the new obligations that may arise under the final decision resulting from the market investigation pursuant to Article 17.*

Or. en

Amendment 368

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

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.

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 369
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall regularly review the commitments with regard to their purpose and where, following investigation, it finds that they are not effective, shall be entitled to require amendments to the commitments or revoke them where appropriate;

Or. en

Amendment 370
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 23 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) there is new relevant information that was not examined before the adoption of the decision;

Or. en

Amendment 371
Patrick Breyer

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission

Amendment

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.

1. The Commission **shall** 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 372

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 24 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the Commission, ***including ones from competent national authorities***, to monitor the obligations and measures and to provide specific expertise or knowledge to the Commission.

Or. en

Amendment 373

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 25 – paragraph 2

Text proposed by the Commission

2. Before adopting the decision pursuant to paragraph 1, the Commission shall communicate its preliminary findings to the gatekeeper concerned. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the gatekeeper should take in order to effectively address the preliminary findings.

Amendment

2. Before adopting the decision pursuant to paragraph 1, the Commission shall communicate its preliminary findings to the gatekeeper concerned. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the gatekeeper should take in order to effectively address the preliminary findings. ***The Commission shall take into account the views of relevant third parties such as end-users or business users before adopting a decision.***

Or. en

Amendment 374
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 26 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the obligation to provide within the time-limit information that is required for assessing their designation as gatekeepers pursuant to Article 3(2) or supply incorrect, or misleading information;

Or. en

Amendment 375
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 26 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

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:

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

Or. en

Amendment 376
Andrzej Halicki, Axel Voss

Proposal for a regulation
Article 27 – title

Text proposed by the Commission

Amendment

Periodic penalty payments

Penalty payments

Or. en

Amendment 377

Stéphane Séjourné, Adrián Vázquez Lázara

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 378

Emmanuel Maurel

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 having a legitimate interest** the opportunity of being heard on:

Or. fr

Amendment 379

Patrick Breyer

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 380

Stéphane Séjourné, Adrián Vázquez Lázara

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 decision as provided in paragraph 1.

Or. en

Amendment 381

Emmanuel Maurel

Proposal for a regulation

Article 30 – paragraph 2

Text proposed by the Commission

Amendment

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.

2. Gatekeepers, undertakings and associations of undertakings concerned ***and third parties having 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. fr

Amendment 382
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 31 a (new)

Text proposed by the Commission

Amendment

Article 31a

Commission cooperation with competent national authorities

1. The Commission may be assisted by the competent national authorities, designated for this purpose by the Member States, with regard to human, financial and organisational resources.

2. The Commission may, in particular, develop a close cooperation with national competent authorities with regard to the enforcement of this Regulation.

Competent national authorities shall, at the request of the Commission, be entitled to exercise the powers of Articles 12, 15, 16 and 17.

3. Where requested by the Commission to assist in any investigation pursuant to paragraph 2 of this Article, the competent national authorities shall have the power to enforce the obligations deriving from Articles 19, 20, 21 and 24.

4. Competent national authorities shall also be empowered to receive complaints and information on possible cases of non-compliance by gatekeepers from end users and business users in their territory for transmission to the Commission.

Or. en

Amendment 383
Emmanuel Maurel

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. **Where one** or more Member States, **or any legal person able to demonstrate a legitimate interest in representing business users or consumers, requests** the Commission to open an investigation pursuant to Article 15, **16 and 17** because it considers that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper, **or that a gatekeeper is not complying with the obligations laid down in Article 5 and 6 of this Regulation, or that one or more services should be added to the list of core platform services,** the Commission shall within **three** months examine whether there are reasonable grounds to open such an investigation **and must substantiate any decision not to open an investigation.**

Or. fr

Amendment 384

Stéphane Séjourné, Adrián Vázquez Lázara

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 to 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 new services or practices should be included within the scope of this Regulation or that a gatekeeper is not complying with its obligations,** the Commission shall within four months examine whether there are reasonable

grounds to open such an investigation.

Or. en

Amendment 385
Emmanuel Maurel

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. *The Member State, or any legal person able to demonstrate a legitimate interest in representing business users or consumers*, shall submit evidence in support of *its* request.

Or. fr

Amendment 386
Patrick Breyer

Proposal for a regulation
Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33a

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, non-compliance and systematic non-compliance by gatekeepers with their obligations in accordance with Article 3, 5 and 6 and request the opening of a market investigation. 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 387

Patrick Breyer

Proposal for a regulation

Article 33 b (new)

Text proposed by the Commission

Amendment

Article 33b

Amendment to Directive (EU) 2020/1818

1. 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 388

Patrick Breyer

Proposal for a regulation

Article 34 – paragraph 1

Text proposed by the Commission

Amendment

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.

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 33a**. Such publication shall state the names of the parties and the main content of the decision, including any penalties imposed.

Or. en

Amendment 389

Stéphane Séjourné, Adrián Vázquez Lázara

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 390
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 36 – paragraph 1 – point b

Text proposed by the Commission

(b) the form, content and other details of the technical measures that gatekeepers shall implement in order to ensure compliance with **points (h), (i) and (j) of Article 6(1).**

Amendment

(b) the form, content and other details of the technical measures that gatekeepers shall implement in order to ensure compliance with Article 6(1).

Or. en

Amendment 391
Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation
Article 36 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the form, content and other details of the regulatory reports delivered pursuant to Article 7.1 a;

Or. en

Amendment 392

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 36 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) *the practical arrangements for the cooperation and coordination between the Commission and competent national authorities, provided for in Article 1(7).*

Or. en

Amendment 393

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 36 – paragraph 2

Text proposed by the Commission

Amendment

2. *the practical arrangements for the cooperation and coordination between the Commission and Member States provided for in Article 1(7).* Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 32(4). Before the adoption of any measures pursuant to paragraph 1, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within the time limit it lays down, which may not be less than one month.

2. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 32(4). Before the adoption of any measures pursuant to paragraph 1, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within the time limit it lays down, which may not be less than one month.

Or. en

Amendment 394

Andrzej Halicki, Axel Voss, Adam Jarubas

Proposal for a regulation

Article 36 a (new)

Text proposed by the Commission

Amendment

Article 36a

Guidelines

To facilitate the compliance of gatekeepers with and the enforcement of the obligations in Articles 5, 6, 12 and 13, the Commission shall accompany the obligations set out in those Articles with guidelines, where appropriate. Where appropriate and necessary, the Commission may mandate the standardisation bodies to develop standards to facilitate the implementation of the obligations.

Or. en

Amendment 395

Jorge Buxadé Villalba

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. es

Amendment 396
Stéphane Séjourné, Adrián Vázquez Lázara

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 Articles **3(5) and 10(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.

Or. en

Amendment 397

Stéphane Séjourné, Adrián Vázquez Lázara

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 Articles **3(5) and 10(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.

Or. en

Amendment 398

Stéphane Séjourné, Adrián Vázquez Lázara

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 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 **three** 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 **three** months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 399
Jorge Buxadé Villalba

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 **year**, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the **national Parliaments and authorities**.

Or. es

Amendment 400
Stéphane Séjourné, Adrián Vázquez Lázara

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