



Council of the  
European Union

Brussels, 4 November 2021  
(OR. en)

13518/21

LIMITE

TELECOM 402  
COMPET 761  
MI 798  
DATAPROTECT 252  
CONSOM 243  
JAI 1162  
DIGIT 147  
FREMP 255  
CYBER 270  
CODEC 1414

#### NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	5642/21
No. Cion doc.:	5358/17
Subject:	Proposal for a Regulation of the European Parliament and of the Council concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications)

**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (26.11.2021)**

#### I. INTRODUCTION

1. At the 1<sup>st</sup> trilogue on the ePrivacy Regulation on 20 May 2021, the co-legislators mandated the technical level to engage in discussions concerning Chapters III, V and VI of the proposal. These discussions took place during six technical meetings held in recent months and, as a consequence, it seems now that the possibilities to find more compromises at technical level in these chapters have been exhausted.

2. The co-legislators plan to hold the second trilogue on 18 November 2021. The aim of this trilogue is to close the above three chapters as completely as possible, with the exception of the issues that need to be addressed as elements of the final negotiating package at the closing trilogue. New chapters also have to be opened for discussions at the technical level.
3. The Presidency would like to summarize the status of the technical discussions and, ask for the Delegations for comments to facilitate finding an overall compromise with the Parliament. The parts under discussions with the EP are in the Annex to this document.

**II. DELETED**

**DELETED**

**DELETED**

**DELETED**

**DELETED**

**DELETED**

**DELETED**



**DELETED**

---

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
concerning the respect for private life and the protection of personal data in electronic communications  
and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications) (Text with**

**EEA relevance)**

**2017/0003(COD)**

**Non-versioned [LATEST TEXT]**

**04-11-2021 at 16h55**

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
CHAPTER III				
137	CHAPTER III NATURAL AND LEGAL PERSONS' RIGHTS TO CONTROL ELECTRONIC COMMUNICATIONS	CHAPTER III NATURAL AND LEGAL PERSONS' RIGHTS TO CONTROL ELECTRONIC COMMUNICATIONS	CHAPTER III <del>NATURAL AND LEGAL PERSONS</del> <b>END-USERS'</b> RIGHTS TO CONTROL ELECTRONIC COMMUNICATIONS	
Article 12				
138	Article 12 Presentation and restriction of calling and connected line identification	Article 12 Presentation and restriction of calling and connected line identification	Article 12 Presentation and restriction of calling and connected line identification	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
				<b>DELETED</b>
Article 12(1), introductory part				
Y	139	1. Where presentation of the calling and connected line identification is offered in accordance with Article [107] of the [Directive establishing the European Electronic Communication Code], the providers of publicly available number-based interpersonal communications services shall provide the following:	1. Where presentation of the calling and connected line identification is offered in accordance with Article [107] of the [Directive establishing the European Electronic Communication Code], the providers of publicly available number-based interpersonal communications services shall provide the following:	1. Where presentation of the calling and connected line identification is offered in accordance with Article [107] of the [Directive establishing the European Electronic Communication Code], the providers of publicly available number-based interpersonal communications services shall provide the following:
Article 12(1), point (a)				
G	140	(a) the calling end-user with the possibility of preventing the presentation of the calling line identification on a per call, per connection or permanent basis;	(a) the calling end-user with the possibility of preventing the presentation of the calling line identification on a per call, per connection or permanent basis;	(a) the calling end-user with the possibility of preventing the presentation of the calling line identification on a per call, per connection or permanent basis;

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
Article 12(1), point (b)				
141	(b) the called end-user with the possibility of preventing the presentation of the calling line identification of incoming calls;	(b) the called end-user with the possibility of preventing the presentation of the calling line identification of incoming calls;	(b) the called end-user with the possibility of preventing the presentation of the calling line identification of incoming calls;	<b>DELETED</b>
Article 12(1), point (c)				
142	(c) the called end-user with the possibility of rejecting incoming calls where the presentation of the calling line identification has been prevented by the calling end-user;	(c) the called end-user with the possibility of rejecting incoming calls where the presentation of the calling line identification has been prevented by the calling end-user;	(c) the called end-user with the possibility of rejecting incoming calls where the presentation of the calling line identification has been prevented by the calling end-user;	<b>DELETED</b>
Article 12(1), point (d)				
143	(d) the called end-user with the possibility of preventing the presentation of the connected line identification to the calling end-user.	(d) the called end-user with the possibility of preventing the presentation of the connected line identification to the calling end-user.	(d) the called end-user with the possibility of preventing the presentation of the connected line identification to <b>which</b> the calling end-user <b>is connected</b> .	<b>DELETED</b>
Article 12(2)				

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
144	2. The possibilities referred to in points (a), (b), (c) and (d) of paragraph 1 shall be provided to end-users by simple means and free of charge.	2. The possibilities referred to in points (a), (b), (c) and (d) of paragraph 1 shall be provided to end-users by simple means and free of charge.	2. The possibilities referred to in <del>points (a), (b), (c) and (d)</del> of paragraph 1 shall be provided to end-users by simple means and free of charge.	<b>DELETED</b>
Article 12(3)				
145	3. Point (a) of paragraph 1 shall also apply with regard to calls to third countries originating in the Union. Points (b), (c) and (d) of paragraph 1 shall also apply to incoming calls originating in third countries.	3. Point (a) of paragraph 1 shall also apply with regard to calls to third countries originating in the Union. Points (b), (c) and (d) of paragraph 1 shall also apply to incoming calls originating in third countries.	3. Point (a) of paragraph 1 shall also apply with regard to calls to third countries originating in the Union. Points (b), (c) and (d) of paragraph 1 shall also apply to incoming calls originating in third countries.	<b>DELETED</b>
Article 12(4)				
146	4. Where presentation of calling or connected line identification is offered, providers of publicly available number-based interpersonal communications services shall provide information to the public regarding the options set out in points (a), (b), (c) and (d) of paragraph 1.	4. Where presentation of calling or connected line identification is offered, providers of publicly available number-based interpersonal communications services shall provide information to the public regarding the options set out in points (a), (b), (c) and (d) of paragraph 1.	4. Where presentation of calling or connected line identification is offered, providers of <del>publicly available</del> number-based interpersonal communications services shall provide information to the public regarding the options set out in <del>points (a), (b), (c) and (d) of paragraph 1</del> <b>paragraph 1 and the exceptions set forth in Article 13.</b>	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
Article 13				
147	Article 13 Exceptions to presentation and restriction of calling and connected line identification	Article 13 Exceptions to presentation and restriction of calling and connected line identification	Article 13 Exceptions to presentation and restriction of calling and connected line identification <b>in relation to emergency communications</b>	<b>DELETED</b>
Article 13(1)				
148	1. Regardless of whether the calling end-user has prevented the presentation of the calling line identification, where a call is made to emergency services, providers of publicly available number-based interpersonal communications services shall override the elimination of the presentation of the calling line identification and the denial or absence of consent of an end-user for the processing of metadata, on a per-line basis for organisations dealing with emergency communications,	1. Regardless of whether the calling end-user has prevented the presentation of the calling line identification, where a call is made to emergency services, providers of publicly available number-based interpersonal communications services shall override the elimination of the presentation of the calling line identification and the denial or absence of consent of <del>an end-user</del> <b>a user</b> for the processing of metadata, on a per-line basis for organisations dealing with emergency communications,	1. Regardless of whether the calling end-user has prevented the presentation of the calling line identification, where <del>a call</del> <b>emergency communications are</b> made to emergency services, providers of <del>publicly available</del> number-based interpersonal communications services shall override the elimination of the presentation of the calling line identification and the denial or absence of consent of an end-user for the processing of metadata, on a per-line basis for organisations	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	including public safety answering points, for the purpose of responding to such communications.	including public safety answering points, for the purpose of responding to such communications.  AM 123	dealing with emergency communications, including public safety answering points, for the purpose of responding to such communications.	
Article 13(1a)				
148a			1a. Regardless whether the called end-user rejects incoming calls where the presentation of the calling line identification has been prevented by the calling end-user, providers of number-based interpersonal communications services shall override this choice, where technically possible, when the calling end-user is an organisation dealing with emergency communications, including public safety answering points, for the purpose of responding to such communications.	<b>DELETED</b>
Article 13(2)				

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
149	2. Member States shall establish more specific provisions with regard to the establishment of procedures and the circumstances where providers of publicly available number-based interpersonal communication services shall override the elimination of the presentation of the calling line identification on a temporary basis, where end-users request the tracing of malicious or nuisance calls.	2. <del>Member States</del> <b>The Commission</b> shall <del>establish more specific provisions</del> <b>be empowered to adopt implementing measures in accordance with Article 26(1)</b> with regard to the establishment of procedures and the circumstances where providers of publicly available number-based interpersonal communication services shall override the elimination of the presentation of the calling line identification on a temporary basis, where <del>end-users</del> <b>users</b> request the tracing of malicious or nuisance calls.  AM 124	Deleted	DELETED
Article 13(3)				
149a			3. Notwithstanding Article 8(1), regardless of whether the end-user has prevented access to the terminal equipment's Global Navigation Satellite Systems (GNSS) capabilities or other types of terminal equipment based location data through the terminal equipment settings,	DELETED



	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
			when a call is made to emergency services, such settings may not prevent access to such location data to determine and provide the calling end-user's location to an organisation dealing with emergency communications, including public safety answering points, for the purpose of responding to such calls.	
Article 14				
150	Article 14 Incoming call blocking	Article 14 Incoming call blocking	Article 14 <del>Incoming call blocking</del> <b>Blocking unwanted, malicious or nuisance calls</b>	<b>DELETED</b>
Article 14, first paragraph, introductory part				
151	Providers of publicly available number-based interpersonal communications services shall deploy state of the art measures to limit the reception of unwanted calls by end-users and shall also provide the called end-user with the following possibilities, free of charge:	Providers of publicly available number-based interpersonal communications services <del>shall deploy state of the art measures to limit the reception of unwanted calls by end-users and shall also</del> provide the called end-user with the following possibilities, free of charge:	<b>1</b> Providers of publicly available number-based interpersonal communications services shall deploy state of the art measures to limit the reception of unwanted calls by end-users and shall also provide the called end-user with the following possibilities, free of charge; <b>malicious or nuisance</b>	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
		AM 125	calls by end-users.	
Article 14(1a)				
151a			1a Member States shall establish more specific provisions with regard to the establishment of transparent procedures and the circumstances where providers of number-based interpersonal communication services shall override, or otherwise address, the elimination of the presentation of the calling line identification on a temporary basis, where end-users request the tracing of unwanted, malicious or nuisance calls.	
Article 14(2)				
151b			2. Providers of number-based interpersonal communications services shall also provide the called end-user with the	

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
			following possibilities, free of charge:	
Article 14, first paragraph, point (a)				
152	(a) to block incoming calls from specific numbers or from anonymous sources;	(a) to block incoming calls from specific numbers, <i>or numbers having a specific code or prefix identifying the fact that the call is a marketing call referred to in Article 16(3)(b)</i> , or from anonymous sources;  AM 126	(a) to block, <b>where technically feasible</b> , incoming calls from specific numbers or from anonymous sources <b>or from numbers using a specific code or prefix referred to in Article 16(3a); and</b>	<b>DELETED</b>
Article 14, first paragraph, point (b)				
153	(b) to stop automatic call forwarding by a third party to the end-user's terminal equipment.	(b) to stop automatic call forwarding by a third party to the <del>end-user</del> <b>user's</b> terminal equipment.  AM 127	(b) to stop automatic call forwarding by a third party to the end-user's terminal equipment.	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
Article 15				
154	Article 15 Publicly available directories	Article 15 Publicly available directories	Article 15 Publicly available directories	
Article 15(1)				
155	1. The providers of publicly available directories shall obtain the consent of end-users who are natural persons to include their personal data in the directory and, consequently, shall obtain consent from these end-users for inclusion of data per category of personal data, to the extent that such data are relevant for the purpose of the directory as determined by the provider of the directory. Providers shall give end-users who are natural persons the means to verify, correct and delete such data.	1. <del>The providers of publicly available directories</del> <b>Without prejudice to Articles 12 to 22 of Regulation (EU) 2016/679, the electronic communication service providers</b> shall obtain the consent of <del>end-users who are natural persons</del> <b>users</b> to include their personal data in the <b>publicly available</b> directory and, consequently, shall obtain consent from these <del>end-users</del> <b>users</b> for inclusion of data per category of personal data, to the extent that such data are relevant for the purpose of the directory. <b>Electronic communication service providers shall give users the means to verify, correct, update, supplement and delete such data as determined by the provider of the directory. When electronic communication service providers obtain consent of users, they</b> shall	1. The providers of <del>publicly available directories</del> <b>number-based interpersonal communications services</b> shall obtain the consent of end-users who are natural persons to include their personal data in the directory and, <del>consequently, shall obtain consent from these end-users</del> for inclusion of <b>such</b> data per category of personal data, to the extent that such data are relevant for the purpose of the directory as determined by the provider of the directory. <del>Providers shall give end-users who are natural persons the means to verify, correct and delete such data.</del>	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
		<p><i>give end users who are natural persons the means to verify, correct and delete such data make users' data available for public directory providers in an immediate, non-discriminatory and fair manner.</i></p> <p>AM 128</p>		DELETED
Article 15(1a)				
155a			<p><b>1a. Notwithstanding paragraph 1, Member States may provide by law that the inclusion of personal data of an end-user who is a natural person in a publicly available directory can take place provided that the end-user who is a natural person shall have the right to object to such inclusion.</b></p>	

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
Article 15(2)				
156	2. The providers of a publicly available directory shall inform end-users who are natural persons whose personal data are in the directory of the available search functions of the directory and obtain end-users' consent before enabling such search functions related to their own data.	2. The providers of a publicly available directory shall inform <del>end-users who are natural persons</del> <b>users</b> whose personal data are in the directory of the available search functions of the directory and <del>obtain end-users' consent before enabling</del> <b>provide the users the option to disable</b> such search functions related to their own data.  AM 129	2. The providers of a publicly <del>available directory</del> <b>number-based interpersonal communications services</b> shall inform end-users who are natural persons whose personal data are in the directory of <del>the available search functions of any search function that is not based on name or number in the</del> directory and obtain <del>end-users' the</del> consent <b>of end-users'</b> before enabling such search functions related to their own data.	<b>DELETED</b>
Article 15(3)				
157	3. The providers of publicly available directories shall provide end-users that are legal persons with the possibility to object to data related to them being included in the directory. Providers shall give such end-users that are legal persons the means to verify, correct and delete such data.	3. The <del>providers of publicly available directories</del> <b>electronic communication service providers</b> shall provide end-users that are legal persons with the possibility to object to data related to them being included in the directory. <b>Electronic communication service</b> providers shall give such end-users that are legal persons the means to verify, correct and delete such data. <b>For the purposes of this Article, natural persons acting in a</b>	3. The providers of publicly <del>available directories</del> <b>number-based interpersonal communications services</b> shall provide end-users that are legal persons with the possibility to object to data related to them being included in the directory. <del>Providers shall give such end-users that are legal persons the means to verify, correct and delete such data.</del>	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
		<p><i>professional capacity, such as independent professionals, operators of small businesses or freelancers, shall be equated with legal persons, as regards their data related to their professional capacity.</i></p> <p>AM 130</p>		<b>DELETED</b>
Article 15(3a)				
157a			<p><b>3a. The providers of number-based interpersonal communications services shall give end-users the means to verify, correct and delete data included in a publicly available directory.</b></p>	
Article 15(3aa)				
157b			<p><b>3aa. Notwithstanding paragraphs 1aa to 3a, Member States may provide by law that the requirements under those paragraphs apply to providers of</b></p>	

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
			publicly available directories, in addition to or instead of, providers of number-based interpersonal communications services.	
Article 15(4)				
158	4. The possibility for end-users not to be included in a publicly available directory, or to verify, correct and delete any data related to them shall be provided free of charge.	4. <i>Without prejudice to Article 12(5) of Regulation (EU) 2016/679, the information to the users and the possibility</i> <del>The possibility for end-users</del> not to be included in a publicly available directory, or to verify, correct, <b>update, supplement</b> and delete any data related to them shall be provided free of charge <b>and in an easily accessible manner by the electronic communication services providers.</b>  AM 131	4. The possibility for end-users not to be included in a publicly available directory, or to verify, correct and delete any data related to them shall be provided free of charge.	<b>DELETED</b>
Article 15(4a)				
158a		<b>4a. Where the personal data of the users of number- based interpersonal communications services have been included in a</b>	<b>4a. Where the personal data of the end-users of number based interpersonal communications services have been included in a</b>	<b>DELETED</b>



	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
		<p><i>publicly available directory before this Regulation enters into force, the personal data of such users may remain included in a publicly available directory, including versions with search functions, unless the users have expressed their objection against their data being included in the directory or against available search functions related to their data.</i></p> <p>AM 132</p>	<p>publicly available directory before this Regulation enters into force, the personal data of such end-users may remain included in a publicly available directory, including version with search functions, unless the end-users have expressed their objection against their data being included in the directory or against the use of available search functions related to their data.</p>	
Article 16				
159	Article 16 Unsolicited communications	Article 16 Unsolicited communications	Article 16 Unsolicited <b>and direct marketing</b> communications	<b>DELETED</b>
Article 16(1)				
160	1. Natural or legal persons may use electronic communications	1. <b>The use by</b> natural or legal persons <del>may use</del> <b>of electronic</b>	1. Natural or legal persons <del>may</del> <b>shall be prohibited from using</b>	

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	services for the purposes of sending direct marketing communications to end-users who are natural persons that have given their consent.	<i>communications services, including automated calling, communications systems, semi-automated systems that connect the call person to an individual, faxes, e-mail or other use of electronic communications services for the purposes of presenting or sending direct marketing communications to end users who are natural persons that users, shall be allowed only in respect of users who have given their prior consent.</i>  AM 133	electronic communications services for the purposes of sending direct marketing communications to end-users who are natural persons <del>that</del> <b>unless they</b> have given their <b>prior</b> consent.	
Article 16(2)				
161	2. Where a natural or legal person obtains electronic contact details for electronic mail from its customer, in the context of the sale of a product or a service, in accordance with Regulation (EU) 2016/679, that natural or legal person may use these electronic contact details for direct marketing of its own similar products or services only if customers are clearly and distinctly given the	2. Where a natural or legal person obtains electronic contact details for electronic mail from its customer, in the context of the sale of a product or a service, in accordance with Regulation (EU) 2016/679, that natural or legal person may use these electronic contact details for direct marketing of its own <del>similar</del> products or services only if customers are clearly and distinctly given the	2. <b>Notwithstanding paragraph 1,</b> where a natural or legal person obtains <del>electronic</del> contact details for electronic <del>mail from its customer</del> <b>message from end-users who are natural persons</b> , in the context of the <del>sale</del> <b>purchase</b> of a product or a service, in accordance with Regulation (EU) 2016/679, that natural or legal person may use these <del>electronic</del> contact details for direct marketing of its own similar	

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	opportunity to object, free of charge and in an easy manner, to such use. The right to object shall be given at the time of collection and each time a message is sent.	opportunity to object, free of charge and in an easy manner, to such use. <b><i>The customer shall be informed about</i></b> the right to object <b><i>and</i></b> shall be given <b><i>an easy way to exercise it</i></b> at the time of collection and each time a message is sent.  AM 134	products or services only if <del>customers</del> <b>such end-users</b> are clearly and distinctly given the opportunity to object, free of charge and in an easy manner, to such use. The right to object shall be given at the time of collection of <b>such end-users' contact details and, if that end-user has not initially refused that use,</b> and each time <b>when a natural or legal person sends a message is sent to that end-user for the purpose of direct marketing.</b>	
Article 16(2a)				
161a			2a. Member States may provide by law a set period of time, after the sale of the product or service occurred, within which a natural or legal person may use contact details of the end-user who is a natural person for direct marketing purposes, as provided for in paragraph.	
Article 16(3), introductory part				
162	3. Without prejudice to paragraphs	3. Without prejudice to paragraphs	3. Without prejudice to paragraphs	

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	1 and 2, natural or legal persons using electronic communications services for the purposes of placing direct marketing calls shall:	1 and 2, natural or legal persons using electronic communications services for the purposes of placing direct marketing calls shall:	1 and 2, natural or legal persons using electronic communications services for the purposes of placing direct marketing calls shall: <b>present the calling line identification assigned to them.</b>	
Article 16(3), point (a)				
163	(a) present the identity of a line on which they can be contacted; or	(a) present the identity of a line on which they can be contacted; or		
Article 16(3), point (b)				
164	(b) present a specific code/or prefix identifying the fact that the call is a marketing call.	(b) present a specific code/or prefix identifying the fact that the call is a marketing call.		
Article 16(3a)				
164a		<i>3a. The masking of the identity and the use of false identities, false return addresses or numbers while sending unsolicited communications for direct marketing purposes is prohibited.</i>  AM 135		

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
Article 16(3a)				
164b			3a. Member States may require natural or legal person using electronic communications services for the purposes of placing direct marketing calls to present a specific code or prefix identifying the fact that the call is a direct marketing call in addition to the obligation set out in paragraph 3. Member State requiring the use of such a specific code or prefix shall make it available for the natural or legal persons who use electronic communications services for the purposes of direct marketing calls.	
Article 16(4)				
165	4. Notwithstanding paragraph 1, Member States may provide by law that the placing of direct marketing voice-to-voice calls to end-users who are natural persons shall only be allowed in respect of end-users who are natural persons who have not expressed their objection to receiving those communications.	4. Notwithstanding paragraph 1, <del>Member States may provide by law that</del> the placing of direct marketing voice-to-voice calls to <del>end-users who are natural persons</del> <i>users</i> shall only be allowed in respect of <del>end-users who are natural persons</del> <i>users</i> who have not expressed their objection to	4. Notwithstanding paragraph 1, Member States may provide by law that the placing of direct marketing voice-to-voice calls to end-users who are natural persons shall only be allowed in respect of end-users who are natural persons who have not expressed their objection to receiving those communications.	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
		<p>receiving those communications.  <i>Member States shall provide that users can object to receiving the direct marketing voice-to-voice calls via a Do Not Call Register, thereby also ensuring that the user needs to opt- out only once.</i></p> <p>AM 136</p>		
Article 16(5)				
166	5. Member States shall ensure, in the framework of Union law and applicable national law, that the legitimate interest of end-users that are legal persons with regard to unsolicited communications sent by means set forth under paragraph 1 are sufficiently protected.	5. Member States shall ensure, in the framework of Union law and applicable national law, that the legitimate interest of end-users that are legal persons with regard to unsolicited communications sent by means set forth under paragraph 1 are sufficiently protected.	5. Member States shall ensure, in the framework of Union law and applicable national law, that the legitimate interest of end-users that are legal persons with regard to <del>unsolicited</del> <b>direct marketing</b> communications sent by means set forth under paragraph 1 are sufficiently protected.	
Article 16(6)				
167	6. Any natural or legal person using electronic communications services to transmit direct marketing communications shall inform end-users of the marketing nature of the communication and	6. Any natural or legal person using electronic communications services to transmit direct marketing communications shall inform end-users of the marketing nature of the communication and	6. Any natural or legal person using electronic communications services to <del>transmits</del> <b>send</b> direct marketing communications shall, <b>each time a direct</b> <del>inform end-users of the marketing nature of the</del>	

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	the identity of the legal or natural person on behalf of whom the communication is transmitted and shall provide the necessary information for recipients to exercise their right to withdraw their consent, in an easy manner, to receiving further marketing communications.	the identity of the legal or natural person on behalf of whom the communication is transmitted and shall provide the necessary information for recipients to exercise their right to withdraw their consent, in an easy manner <b>and free of charge</b> , to receiving further marketing communications.  AM 137	<del>communication and the identity of the legal or natural person on behalf of whom the communication is transmitted and shall provide the necessary information for recipients to exercise their right to withdraw their consent, in an easy manner, to receiving further marketing communications.</del> <b>sent:</b>	
Article 16(6), point (a)				
167a			<b>(a) reveal his or its identity and use effective return addresses or numbers;</b>	
Article 16(6), point (b)				
167b			<b>(b) inform end-users of the marketing nature of the communication and the identity and contact details of the legal or natural person on behalf of whom the direct marketing communication is sent;</b>	
Article 16(6), point (c)				

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
167c			(c) clearly and distinctly give the end-users who are natural persons a means to object or to withdraw their consent, free of charge, at any time, and in an easy and effective manner, to receiving further direct marketing communications, and shall provide the necessary information to this end. This means shall also be given at the time of collection of the contact details according to paragraph 2. It shall be as easy to withdraw as to give consent.	
Article 16(7)				
168	7. The Commission shall be empowered to adopt implementing measures in accordance with Article 26(2) specifying the code/or prefix to identify marketing calls, pursuant to point (b) of paragraph 3.	7. The Commission shall be empowered to adopt implementing measures in accordance with Article <del>26(2)</del> <b>26(1)</b> specifying the code/or prefix to identify marketing calls, pursuant to point (b) of paragraph 3.  AM 138	Deleted	
Article 17				



	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
169	Article 17 Information about detected security risks	Article 17 Information about detected security risks	Deleted	
Article 17(1)				
170	In the case of a particular risk that may compromise the security of networks and electronic communications services, the provider of an electronic communications service shall inform end-users concerning such risk and, where the risk lies outside the scope of the measures to be taken by the service provider, inform end-users of any possible remedies, including an indication of the likely costs involved.	<i><b>1. <del>In the case of a particular risk that may compromise</del> Providers of electronic communications services shall comply with the security obligations as prescribed Regulation (EU) 2016/679 and [European Electronic Communications Code]. As regards the security of networks and <del>electronic communications services, the provider of an</del> services and related security obligations, the obligations of Article 40 of the [European Electronic Communications serviceCode] shall <del>inform end-users concerning such risk and, where the risk lies outside the scope of the measures to be taken by the service provider, inform end-users of any possible remedies, including an indication of the likely costs involved</del> apply mutatis mutandis to all services in the scope of this Regulation. This</b></i>		

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
		<p><i>Article shall be without prejudice to the obligations provided for in Articles 32 to 34 of Regulation (EU) 2016/679 and the obligations provided for in Directive (EU) 2016/1148.</i></p> <p>AM 139</p>		
Article 17, first paragraph a				
170a		<p><i>1a. Providers of electronic communications services shall ensure that there is sufficient protection in place against unauthorised access or alterations to the electronic communications data, and that the confidentiality and integrity of the communication in transmission or stored are also guaranteed by technical measures according to the state of the art, such as cryptographic methods including end-to-end encryption of the electronic communications data. When encryption of electronic communications data is used, decryption by anybody else than the user shall be prohibited. Notwithstanding Articles 11a and</i></p>		

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
		<p><i>11b of this Regulation, member States shall not impose any obligations on electronic communications service providers or software manufacturers that would result in the weakening of the confidentiality and integrity of their networks and services or the terminal equipment, including the encryption methods used.</i></p> <p>AM 140</p>		
Article 17, first paragraph b				
170b		<p><i>1b. Providers of electronic communications services, providers of information society services, and manufacturers of software permitting the retrieval and presentation of information on the internet shall not use any means, no matter if technical, operational, or by terms of use or by contracts, that could prevent users and subscribers from applying the best available techniques against intrusions and interceptions and to secure their networks, terminal equipment and electronic communications.</i></p>		

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
		<p><i>Notwithstanding Articles 11a and 11b of this Regulation, breaking, decrypting, restricting or circumventing such measure taken by users or subscribers shall be prohibited.</i></p> <p>AM 141</p>		
Article 17, first paragraph c				
170c		<p><i>1c. In the case of a particular risk that may compromise the security of networks, electronic communications services, information society services or software, the relevant provider or manufacturer shall inform all subscribers of such a risk and, where the risk lies outside the scope of the measures to be taken by the service provider, inform subscribers of any possible remedies. It shall also inform the relevant manufacturer and service provider.</i></p> <p>AM 142</p>		
CHAPTER V				
181				

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	CHAPTER V REMEDIES, LIABILITY AND PENALTIES	CHAPTER V REMEDIES, LIABILITY AND PENALTIES	CHAPTER V REMEDIES, LIABILITY AND PENALTIES	
Article 21				
182	Article 21 Remedies	Article 21 Remedies	Article 21 Remedies	<b>DELETED</b>
Article 21(1)				
183	1. Without prejudice to any other administrative or judicial remedy, every end-user of electronic communications services shall have the same remedies provided for in Articles 77, 78, and 79 of Regulation (EU) 2016/679.	1. Without prejudice to any other administrative or judicial remedy, every end-user of electronic communications services <i>and, where applicable, everybody, organisation or association,</i> shall have the same remedies provided for in Articles 77, 78, <i>79 and 80 and 79</i> of Regulation (EU) 2016/679.  AM 148	1. Without prejudice to any other administrative or judicial remedy, every end-user <b>shall have the right to an effective judicial remedy in relation to any infringement of rights under this Regulation, the right to lodge a complaint with a supervisory authority and the right to an effective judicial remedy against any legally binding decision of a supervisory authority concerning them</b> of electronic communications services shall have the same remedies provided for in Articles 77, 78, and 79 of Regulation (EU) 2016/679.	

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
Article 21(1a)				
183a		<p><i>1a. Without prejudice to any other administrative or non-judicial remedy, every end-user of electronic communications services shall have the right to an effective judicial remedy against a legally binding decision of a supervisory authority concerning him or her. End-users shall also have such a right where the supervisory authority does not handle a complaint or does not inform the end- user within three months on the progress or outcome of the complaint lodged. Proceedings against a supervisory authority shall be brought before the court of the Member State where the supervisory authority is established.</i></p> <p>AM 149</p>		
Article 21(1b)				
183b		<p><i>1b. Every end-user of the communications services shall have the right to an effective judicial remedy where he or she</i></p>		

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
		<p><i>considers that his or her rights under this Regulation have been infringed. Those proceedings against a provider of electronic communication service, the provider of a publicly available directory, software provider enabling electronic communication or persons sending direct marketing commercial communications or collecting information related to or stored in the end-users terminal equipment shall be brought before the courts of the Member State where they have an establishment. Alternatively, such proceedings shall be brought before the court of the Member State of the habitual residence of the end-user.</i></p> <p>AM 150</p>		
Article 21(1a)				
183c			1a. Articles 77-80 of Regulation (EU) 2016/679 shall apply <b>mutatis mutandis</b> .	
Article 21(2)				

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
184	2. Any natural or legal person other than end-users adversely affected by infringements of this Regulation and having a legitimate interest in the cessation or prohibition of alleged infringements, including a provider of electronic communications services protecting its legitimate business interests, shall have a right to bring legal proceedings in respect of such infringements.	2. Any natural or legal person other than end-users adversely affected by infringements of this Regulation and having a legitimate interest in the cessation or prohibition of alleged infringements, including a provider of electronic communications services protecting its legitimate business interests, shall have a right to bring legal proceedings in respect of such infringements.	2. Any natural or legal person other than end-users adversely affected by infringements of this Regulation and having a legitimate interest in the cessation or prohibition of alleged infringements, including a provider of electronic communications services protecting its legitimate business interests, shall have a right to bring legal proceedings in respect of such infringements.	<b>DELETED</b>
Article 22				
185	Article 22 Right to compensation and liability	Article 22 Right to compensation and liability	Article 22 Right to compensation and liability	<b>DELETED</b>
Article 22, first paragraph				
186	Any end-user of electronic communications services who has suffered material or non-material damage as a result of an infringement of this Regulation shall have the right to receive	Any end-user of electronic communications services who has suffered material or non-material damage as a result of an infringement of this Regulation shall have the right to receive	Any end-user of electronic communications services who has suffered material or non-material damage as a result of an infringement of this Regulation shall have the right to receive	



	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	compensation from the infringer for the damage suffered, unless the infringer proves that it is not in any way responsible for the event giving rise to the damage in accordance with Article 82 of Regulation (EU) 2016/679.	compensation from the infringer for the damage suffered, unless the infringer proves that it is not in any way responsible for the event giving rise to the damage in accordance with Article 82 of Regulation (EU) 2016/679.	compensation from the infringer for the damage suffered, <del>unless the infringer proves that it is not in any way responsible for the event giving rise to the damage</del> in accordance with Article 82 of Regulation (EU) 2016/679.	
Article 23				
187	Article 23 General conditions for imposing administrative fines	Article 23 General conditions for imposing administrative fines	Article 23 General conditions for imposing administrative fines	<b>DELETED</b>
Article 23(1)				
188	1. For the purpose of this Article, Chapter VII of Regulation (EU) 2016/679 shall apply to infringements of this Regulation.	1. For the purpose of this Article, Chapter VII of Regulation (EU) 2016/679 shall apply to infringements of this Regulation, <i>mutatis mutandis</i> . <a href="#">AM 151</a>	1. <del>For the purpose of this Article, Chapter VII</del> <b>83</b> of Regulation (EU) 2016/679 shall apply <b>mutatis mutandis</b> to infringements of this Regulation.	
Article 23(2), introductory part				
189	2. Infringements of the following provisions of this Regulation shall,	2. Infringements of the following provisions of this Regulation shall,	2. Infringements of the following provisions of this Regulation shall,	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	in accordance with paragraph 1, be subject to administrative fines up to EUR 10 000 000, or in the case of an undertaking, up to 2 % of the total worldwide annual turnover of the preceding financial year, whichever is higher:	in accordance with paragraph 1, be subject to administrative fines up to EUR 10 000 000, or in the case of an undertaking, up to 2 % of the total worldwide annual turnover of the preceding financial year, whichever is higher:	in accordance with paragraph 1, be subject to administrative fines up to EUR 10 000 000, or in the case of an undertaking, up to 2 % of the total worldwide annual turnover of the preceding financial year, whichever is higher:	<b>DELETED</b>
Article 23(2), point (a)				
190	(a) the obligations of any legal or natural person who process electronic communications data pursuant to Article 8;	(a) <del>the obligations of any legal or natural person who process electronic communications data pursuant to Article 8;</del> AM 152 deleted	(a) the obligations of any legal or natural person who process electronic communications data pursuant to Article 8;	
Article 23(2), point (aa)				
190a		(aa) <i>the obligations of the providers of electronic communications services pursuant to Article 11c;</i> AM 153		<b>DELETED</b>
Article 23(2), point (b)				
191	(b) the obligations of the provider	(b) <del>the obligations of the provider</del>		

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	of software enabling electronic communications, pursuant to Article 10;	<del>of software enabling electronic communications, pursuant to Article 10;</del>  AM 154 deleted	Deleted	
Article 23(2), point (ba)				
191a		<i>(ba) the obligations of the providers of publicly available number-based interpersonal communication services pursuant to Articles 12, 13 and 14.</i>  AM 155		
Article 23(2), point (c)				
192	(c) the obligations of the providers of publicly available directories pursuant to Article 15;	(c) the obligations of the providers of publicly available directories pursuant to Article 15;	(c) the obligations of the providers of publicly available directories pursuant to Article 15;	<b>DELETED</b>
Article 23(2), point (d)				
193	(d) the obligations of any legal or natural person who uses electronic communications services pursuant to Article 16.	(d) the obligations of any legal or natural person who uses electronic communications services pursuant to Article 16.	(d) the obligations of any legal or natural person who uses electronic communications services pursuant to Article 16.	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
				DELETED
Article 23(2), point (e)				
193a			(e) the obligation to designate a representative pursuant to Article 3 number 2.	
Article 23(3)				
194	3. Infringements of the principle of confidentiality of communications, permitted processing of electronic communications data, time limits for erasure pursuant to Articles 5, 6, and 7 shall, in accordance with paragraph 1 of this Article, be subject to administrative fines up to 20 000 000 EUR, or in the case of an undertaking, up to 4 % of the total worldwide annual turnover of the preceding financial year, whichever is higher.	3. Infringements of the <del>principle of confidentiality of communications, permitted processing of electronic communications data, time limits for erasure pursuant to Articles 5, 6, and 7</del> following provisions of <b>this Regulation</b> shall, in accordance with paragraph 1 <del>of this Article</del> , be subject to administrative fines up to 20 000 000 EUR, or in the case of an undertaking, up to 4 % of the total worldwide annual turnover of the preceding financial year, whichever is higher:  AM 156	3. Infringements of the principle of confidentiality of communications, permitted processing of electronic communications data, time limits for erasure pursuant to Articles 5, 6, and 7 shall, in accordance with paragraph 1 of this Article, be subject to administrative fines up to 20 000 000 EUR, or in the case of an undertaking, up to 4 % of the total worldwide annual turnover of the preceding financial year, whichever is higher.	

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
Article 23(3), point (a)				
194a		<p><i>(a) the principle of confidentiality of communications pursuant to Article 5;</i></p> <p>AM 157</p>		
Article 23(3), point (b)				
194b		<p><i>(b) the permitted processing of electronic communications data, pursuant to Article 6;</i></p> <p>AM 158</p>		
Article 23(3), point (c)				
194c		<p><i>(c) the time limits for erasure and the confidentiality obligations pursuant to Article 7;</i></p> <p>AM 159</p>		
Article 23(3), point (d)				
194d		<p><i>(d) the obligations of any legal or natural person who process electronic communications data pursuant to Article 8;</i></p>		

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
		AM 160		
Article 23(3), point (e)				
194e		<p><i>(e) the requirements for consent pursuant to Article 9;</i></p> <p>AM 161</p>		
Article 23(3), point (f)				
194f		<p><i>(f) the obligations of the provider of software enabling electronic communications, pursuant to Article 10;</i></p> <p>AM 162</p>		
Article 23(3), point (g)				
194g		<p><i>(g) the obligations of the providers of electronic communications services, of the providers of information society services, or of the manufacturers of software permitting the retrieval and presentation of information on the internet pursuant to Article 17.</i></p>		

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
		AM 163		
Article 23(4)				
195	4. Member States shall lay down the rules on penalties for infringements of Articles 12, 13, 14, and 17.	4. <del>Member States shall lay down the rules on penalties for infringements of Articles 12, 13, 14, and 17</del> <i>In the event that the same act or omission by the same person results in non-compliance with both Regulation (EU) 2016/679 and this Regulation, then the maximum administrative fine shall be no more than the maximum administrative fine applicable under this Regulation for that type of infringement.</i> AM 164	4. Member States shall lay down the rules on penalties for infringements of Articles 12, 13, 14, and 17 <b>and 14.</b>	
Article 23(5)				
196	5. Non-compliance with an order by a supervisory authority as referred to in Article 18, shall be subject to administrative fines up to 20 000 000 EUR, or in the case of an undertaking, up to 4 % of the total worldwide annual turnover of the preceding financial year,	5. Non-compliance with an order by a supervisory authority as referred to in Article 18, shall be subject to administrative fines up to 20 000 000 EUR, or in the case of an undertaking, up to 4 % of the total worldwide annual turnover of the preceding financial year,	5. Non-compliance with an order by a supervisory authority as referred to in Article 18, shall be subject to administrative fines up to 20 000 000 EUR, or in the case of an undertaking, up to 4 % of the total worldwide annual turnover of the preceding financial year,	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	whichever is higher.	whichever is higher.	whichever is higher.	
Article 23(6)				
197	6. Without prejudice to the corrective powers of supervisory authorities pursuant to Article 18, each Member State may lay down rules on whether and to what extent administrative fines may be imposed on public authorities and bodies established in that Member State.	6. Without prejudice to the corrective powers of supervisory authorities pursuant to Article 18, each Member State may lay down rules on whether and to what extent administrative fines may be imposed on public authorities and bodies established in that Member State.	6. Without prejudice to the corrective powers of supervisory authorities pursuant to Article 18, each Member State may lay down rules on whether and to what extent administrative fines may be imposed on public authorities and bodies established in that Member State.	<b>DELETED</b>
Article 23(7)				
198	7. The exercise by the supervisory authority of its powers under this Article shall be subject to appropriate procedural safeguards in accordance with Union and Member State law, including effective judicial remedy and due process.	7. The exercise by the supervisory authority of its powers under this Article shall be subject to appropriate procedural safeguards in accordance with Union and Member State law, including effective judicial remedy and due process.	7. The exercise by the supervisory authority of its powers under this Article shall be subject to appropriate procedural safeguards in accordance with Union and Member State law, including effective judicial remedy and due process.	<b>DELETED</b>
Article 23(8)				



	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
199	8. Where the legal system of the Member State does not provide for administrative fines, this Article may be applied in such a manner that the fine is initiated by the competent supervisory authority and imposed by competent national courts, while ensuring that those legal remedies are effective and have an equivalent effect to the administrative fines imposed by supervisory authorities. In any event, the fines imposed shall be effective, proportionate and dissuasive. Those Member States shall notify to the Commission the provisions of their laws which they adopt pursuant to this paragraph by [xxx] and, without delay, any subsequent amendment law or amendment affecting them.	8. Where the legal system of the Member State does not provide for administrative fines, this Article may be applied in such a manner that the fine is initiated by the competent supervisory authority and imposed by competent national courts, while ensuring that those legal remedies are effective and have an equivalent effect to the administrative fines imposed by supervisory authorities. In any event, the fines imposed shall be effective, proportionate and dissuasive. Those Member States shall notify to the Commission the provisions of their laws which they adopt pursuant to this paragraph by [xxx] and, without delay, any subsequent amendment law or amendment affecting them.	8. Where the legal system of the Member State does not provide for administrative fines, this Article may be applied in such a manner that the fine is initiated by the competent supervisory authority and imposed by competent national courts, while ensuring that those legal remedies are effective and have an equivalent effect to the administrative fines imposed by supervisory authorities. In any event, the fines imposed shall be effective, proportionate and dissuasive. Those Member States shall notify to the Commission the provisions of their laws which they adopt pursuant to this paragraph by [xxx] and, without delay, any subsequent amendment law or amendment affecting them.	<b>DELETED</b>
Article 24				
200	Article 24 Penalties	Article 24 Penalties	Article 24 Penalties	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
Article 24(1)				
201	1. Member States shall lay down the rules on other penalties applicable to infringements of this Regulation in particular for infringements which are not subject to administrative fines pursuant to Article 23, and shall take all measures necessary to ensure that they are implemented. Such penalties shall be effective, proportionate and dissuasive.	1. Member States shall lay down the rules on other penalties applicable to infringements of this Regulation in particular for infringements which are not subject to administrative fines pursuant to Article 23, and shall take all measures necessary to ensure that they are implemented. Such penalties shall be effective, proportionate and dissuasive.	1. Member States shall lay down the rules on other penalties applicable to infringements of this Regulation in particular for infringements which are not subject to administrative fines pursuant to Article 23, and shall take all measures necessary to ensure that they are implemented. Such penalties shall be effective, proportionate and dissuasive.	<b>DELETED</b>
Article 24(2)				
202	2. Each Member State shall notify to the Commission the provisions of its law which it adopts pursuant to paragraph 1, no later than 18 months after the date set forth under Article 29(2) and, without delay, any subsequent amendment affecting them.	2. Each Member State shall notify to the Commission the provisions of its law which it adopts pursuant to paragraph 1, no later than 18 months after the date set forth under Article 29(2) and, without delay, any subsequent amendment affecting them.	2. Each Member State shall notify to the Commission the provisions of its law which it adopts pursuant to paragraph 1, no later than <del>18</del> months after the date set forth under Article 29(2) and, without delay, any subsequent amendment affecting them.	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
CHAPTER VI				
203	CHAPTER VI DELEGATED ACTS AND IMPLEMENTING ACTS	CHAPTER VI DELEGATED ACTS AND IMPLEMENTING ACTS	CHAPTER VI DELEGATED ACTS AND IMPLEMENTING ACTS	<b>DELETED</b>
Article 25				
204	Article 25 Exercise of the delegation	Article 25 Exercise of the delegation	Article 25 Exercise of the delegation	
Article 25(1)				
205	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 25(2)				
206	2. The power to adopt delegated acts referred to in Article 8(4) shall be conferred on the Commission for an indeterminate period of time from [the data of entering into force of this Regulation].	2. The power to adopt delegated acts referred to in Article 8(4) shall be conferred on the Commission for an indeterminate period of time from [the data of entering into force of this Regulation].	2. The power to adopt delegated acts referred to in Article 8(4) shall be conferred on the Commission for an indeterminate period of time from [the data of entering into force of this Regulation].	
Article 25(3)				

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
207	3. The delegation of power referred to in Article 8(4) 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.	3. The delegation of power referred to in Article 8(4) 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.	3. The delegation of power referred to in Article 8(4) 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.	
Article 25(4)				
208	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 on Better Law-Making of 13 April 2016.	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 on Better Law-Making of 13 April 2016.	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 on Better Law-Making of 13 April 2016.	
Article 25(5)				
209	5. As soon as it adopts a delegated	5. As soon as it adopts a delegated	5. As soon as it adopts a delegated	

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 25(6)				
210	6. A delegated act adopted pursuant to Article 8(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and 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.	6. A delegated act adopted pursuant to Article 8(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and 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.	6. A delegated act adopted pursuant to Article 8(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and 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.	
Article 26				
211	Article 26 Committee	Article 26 Committee	Article 26 Committee	
Article 26(1)				

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
212	<p>1. The Commission shall be assisted by the Communications Committee established under Article 110 of the [Directive establishing the European Electronic Communications Code]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011<sup>1</sup>.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13–18).</p>	<p>1. <b><i>For the purpose of Articles 13(2) and 16(7),</i></b> the Commission shall be assisted by the Communications Committee established under Article 110 of the [Directive establishing the European Electronic Communications Code]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011<sup>1</sup>.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13–18).</p> <p>AM 165</p>	<p>1. The Commission shall be assisted by the Communications Committee established under Article 110 of the [118 of Directive establishing the European Electronic Communications Code](EU) 2018/1972. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011<sup>4[1]</sup>.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13–18).</p>	
Article 26(2)				
213	<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>	<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>	<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>	
Article 28				
218				

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	Article 28 Monitoring and evaluation clause	Article 28 Monitoring and evaluation clause	Article 28 Monitoring and evaluation clause	<b>DELETED</b>
Article 28, first paragraph				
219	By 1 January 2018 at the latest, the Commission shall establish a detailed programme for monitoring the effectiveness of this Regulation.	By <del>1 January 2018</del> <b>[the date of entry into force of this Regulation]</b> at the latest, the Commission shall establish a detailed programme for monitoring the effectiveness of this Regulation.  AM 167	By <b>[1 August 2024]</b> <del>1 January 2018</del> at the latest, the Commission shall establish a detailed programme for monitoring the effectiveness of this Regulation.	
Article 28, second paragraph				
220	No later than three years after the date of application of this Regulation, and every three years thereafter, the Commission shall carry out an evaluation of this Regulation and present the main findings to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall, where appropriate, inform a proposal for the amendment or	No later than three years after the date of application of this Regulation, and every three years thereafter, the Commission shall carry out an evaluation of this Regulation and present the main findings to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall, where appropriate, inform a proposal for the amendment or	No later than three years after the date of application of this Regulation, and every three years thereafter, the Commission shall carry out an evaluation of this Regulation and present the main findings to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall, where appropriate, inform a proposal for the amendment or	<b>DELETED</b>

	Commission Proposal	EP Mandate	<small>st6087/21</small> Council Mandate	Draft Agreement
	repeal of this Regulation in light of legal, technical or economic developments.	repeal of this Regulation in light of legal, technical or economic developments.	repeal of this Regulation in light of legal, technical or economic developments.	