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European Union

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COMPET 765  
MI 800  
DATAPROTECT 253  
CONSOM 246  
JAI 1169  
DIGIT 148  
FREMP 257  
CYBER 271  
CODEC 1419**

**NOTE**

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From: Presidency  
To: Permanent Representatives Committee

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No. prev. doc.: 13518/21  
No. Cion doc.: 5358/17

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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)  
- Preparation for the trilogue

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**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (30.11.2021)**

**I. INTRODUCTION**

1. The Permanent Representative Committee granted a negotiating mandate to the Presidency to start negotiations with the European Parliament on the proposal for the ePrivacy Regulation on 10 February 2021.

2. At the 1<sup>st</sup> political trilogue on 20 May 2021, under the Portuguese Presidency co-legislators mandated the technical level to engage in discussions concerning Chapters III, V and VI of the proposal. Discussions at technical level took place during six technical meetings held in the recent months, two meetings under the Portuguese Presidency and four meetings under the Slovenian Presidency, as a consequence, it seems now that the possibilities to find more compromises in these chapters at technical level have been exhausted.
  
3. The co-legislators plan to hold the second trilogue on 18 November 2021. The aim of this trilogue is to provisionally conclude the negotiations on the above three chapters on as many provisions as possible. New chapters will also have to be opened for discussions at the technical level.
  
4. The Presidency would therefore like to ask the Committee for its support for the amended mandate as seen in the Annex of this document. Areas where the Presidency seeks some flexibility from delegations are indicated in Section II below and in the four column table.

**II. DELETED**

**DELETED**

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**III. THE COMMITTEE OF PERMANENT REPRESENTATIVES IS INVITED TO:**

- Examine the Presidency's compromise suggestions as set out above; and
- Agree on the revised negotiating mandate for the future trilogue along the lines set out above under Point II.

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**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]**

**06-11-2021 at 10h02**

	<b>Commission Proposal</b>	<b>EP Mandate</b>	<b>st6087/21 Council Mandate</b>	<b>Draft Agreement</b>
Recital 27				
38	(27) As regards calling line identification, it is necessary to protect the right of the calling party to withhold the presentation of the identification of the line from which the call is being made and the right of the called party to reject calls from unidentified lines. Certain end-users, in particular help lines, and similar organisations, have an interest in guaranteeing the anonymity of their callers. As regards connected line identification, it is necessary to protect the right and the legitimate interest of the called party to	(27) As regards calling line identification, it is necessary to protect the right of the calling party to withhold the presentation of the identification of the line from which the call is being made and the right of the called party to reject calls from unidentified lines. Certain end-users, in particular help lines, and similar organisations, have an interest in guaranteeing the anonymity of their callers. As regards connected line identification, it is necessary to protect the right and the legitimate interest of the called party to	(27) As regards calling line identification, it is necessary to protect the right of the calling party to withhold the presentation of the identification of the line from which the call is being made and the right of the called party to reject calls from unidentified lines. Certain end-users, in particular help lines, and similar organisations, have an interest in guaranteeing the anonymity of their callers. As regards connected line identification, it is necessary to protect the right and the legitimate interest of the called party to	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	withhold the presentation of the identification of the line to which the calling party is actually connected.	withhold the presentation of the identification of the line to which the calling party is actually connected.	withhold the presentation of the identification of the line to which the calling party is actually connected.	<b>DELETED</b>
Recital 28				
39	(28) There is justification for overriding the elimination of calling line identification presentation in specific cases. End-users' rights to privacy with regard to calling line identification should be restricted where this is necessary to trace nuisance calls and with regard to calling line identification and location data where this is necessary to allow emergency services, such as eCall, to carry out their tasks as effectively as possible.	(28) There is justification for overriding the elimination of calling line identification presentation in specific cases. End-users' rights to privacy with regard to calling line identification should be restricted where this is necessary to trace nuisance calls and with regard to calling line identification and location data where this is necessary to allow emergency services, such as eCall, to carry out their tasks as effectively as possible.	(28) There is justification for overriding the elimination of calling line identification presentation in specific cases. End-users' rights to privacy with regard to calling line identification should be restricted where this is necessary to trace <b>malicious or</b> nuisance calls and with regard to calling line identification and location data where this is necessary to allow emergency services, such as eCall, to carry out their tasks as effectively as possible. <b>Location information established by the terminal equipment, using its built-in Global Navigation Satellite Systems (GNSS) capabilities or other types of terminal equipment based location data, such as location data derived from the WiFi functionality, may supplement the location data</b>	

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
			<p>supplied by providers of number-based interpersonal communications services when a call is made to emergency services. The temporary denial or absence of consent of an end-user to access location data provided by the terminal equipment GNSS, for example, because location settings are turned off, shall not prevent the transfer of such information to emergency services for the purposes of facilitating access to such services. Directive 2014/53/EU empowers the Commission to adopt delegated acts requiring that specific categories or classes of radio equipment support certain features ensuring access to emergency services.</p>	
Recital 29				
40	<p>(29) Technology exists that enables providers of electronic communications services to limit the reception of unwanted calls by end-users in different ways, including blocking silent calls and</p>	<p>(29) Technology exists that enables providers of electronic communications services to limit the reception of unwanted calls by end-users in different ways, including blocking silent calls and</p>	<p>(29) Technology exists that enables providers of electronic communications services to limit the reception of unwanted, <b>malicious or nuisance</b> calls by end-users in different ways,</p>	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	<p>other fraudulent and nuisance calls. Providers of publicly available number-based interpersonal communications services should deploy this technology and protect end-users against nuisance calls and free of charge. Providers should ensure that end-users are aware of the existence of such functionalities, for instance, by publicising the fact on their webpage.</p>	<p>other fraudulent and nuisance calls. Providers of publicly available number-based interpersonal communications services should deploy this technology and protect end-users against nuisance calls and free of charge. Providers should ensure that end-users are aware of the existence of such functionalities, for instance, by publicising the fact on their webpage.</p>	<p>including blocking silent calls and other <del>fraudulent</del> <b>unwanted, malicious</b> and nuisance calls, <b>such as calls originating from invalid numbers, i.e. numbers that do not exist in the numbering plan, valid numbers that are not allocated to a provider of a number-based interpersonal communications service, and valid numbers that are allocated but not assigned to an end-user.</b> Providers of publicly available number-based interpersonal communications services should deploy this technology and protect end-users against <del>nuisance</del> <b>such</b> calls and free of charge. Providers should ensure that end-users are aware of the existence of such functionalities, for instance, by publicising the fact on their webpage.</p>	<p><b>DELETED</b></p>

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				<b>DELETED</b>
Recital 30				
41	<p>(30) Publicly available directories of end-users of electronic communications services are widely distributed. Publicly available directories means any directory or service containing end-users information such as phone numbers (including mobile phone numbers), email address contact details and includes inquiry services. The right to privacy and to protection of the personal data of a natural person requires that end-users that are natural persons are asked for consent before their personal data are included in a directory. The legitimate interest of legal entities requires that end-users that are legal entities have the right to object to the data related to them being included in a directory.</p>	<p>(30) Publicly available directories of end-users of electronic communications services are widely distributed. Publicly available directories means any directory or service containing end-users information such as phone numbers (including mobile phone numbers), email address contact details and includes inquiry services. The right to privacy and to protection of the personal data of a natural person requires that <del>end-users that are natural persons</del> users are asked for consent before their personal data are included in a directory. The legitimate interest of legal entities requires that end-users that are legal entities have the right to object to the data related to them being included in a directory. <b><i>The consent should be collected by the electronic communications</i></b></p>	<p>(30) <del>Publicly available directories of end-users of electronic communications services are widely distributed.</del> Publicly available directories means any directory or service containing <b>information on end-users information of number-based interpersonal communication services</b> such as <b>name</b>, phone numbers (including mobile phone numbers), email address, <b>home address</b> <del>contact details</del> and includes inquiry services. <del>The right to privacy and to protection of the personal data of a natural person requires that,</del> <b>the main function of which is to enable to identify such end-users.</b> End-users that are natural persons <del>are</del> <b>should be</b> asked for consent before their personal data are included in a directory, <b>unless Member States provide</b></p>	

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		<p><i>service provider at the moment of signing the contract for such service. Natural persons acting in a 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 30</p>	<p><b>that such end-users have the right to object to inclusion of their personal data.</b> The legitimate interest of legal <del>entities</del><b>persons</b> requires that end-users that are legal <del>entities</del><b>persons</b> have the right to object to the data related to them being included in a directory. <b>End-users who are natural persons acting in a professional capacity should be treated as legal persons for the purpose of the provisions on publicly available directories.</b></p>	
Recital 31				
42	<p>(31) If end-users that are natural persons give their consent to their data being included in such directories, they should be able to determine on a consent basis which categories of personal data are included in the directory (for example name, email address, home address, user name, phone number). In addition, providers of publicly available directories should inform the end-users of the purposes of the directory and of the search functions of the directory</p>	<p>(31) <del>If end-users that are natural persons</del> <b>If users</b> give their consent to their data being included in such directories, they should be able to determine on a consent basis which categories of personal data are included in the directory (for example name, email address, home address, user name, phone number). In addition, <del>providers of publicly available directories</del> <b>electronic communications service providers</b> should inform the <del>end-users</del><b>users</b></p>	<p>(31) <del>If end-users that are natural persons give their consent to their data being included in such directories, they should be able to determine on a consent basis which categories of personal data are included in the directory (for example name, email address, home address, user name, phone number). In addition, Providers of publicly available directories</del> <b>number-based interpersonal communications services</b> should inform the end-</p>	

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	<p>before including them in that directory. End-users should be able to determine by consent on the basis of which categories of personal data their contact details can be searched. The categories of personal data included in the directory and the categories of personal data on the basis of which the end-user's contact details can be searched should not necessarily be the same.</p>	<p>of the purposes of the directory and of the search functions of the directory before including them in that directory. <del>End-users</del><i>Users</i> should be able to determine by consent on the basis of which categories of personal data their contact details can be searched. The categories of personal data included in the directory and the categories of personal data on the basis of which the <del>end-user</del><i>user's</i> contact details can be searched should not necessarily be the same. <b><i>The providers or publicly available directories shall provide information about the search functions, as well as if new options and functions of the directories are available in the publicly available directories and provide the users the option to disable such functions.</i></b></p> <p>AM 31</p>	<p><del>users of the purposes of the directory and</del> <b>who are natural persons</b> of the search functions of the directory <del>before including them in that directory. End-users should be able to determine by consent on the basis of which categories of</del> <b>and obtain their consent before enabling such search functions related to their</b> personal data <del>their contact details can be searched.</del> The categories of personal data included in the directory and the categories of personal data on the basis of which the end-user's contact details can be searched should not necessarily be the same.</p>	
Recital 32				
43	(32) In this Regulation, direct marketing refers to any form of advertising by which a natural or	(32) In this Regulation, direct marketing refers to any form of advertising by which a natural or	(32) In this Regulation, direct marketing <b>communications</b> refers to any form of advertising by	<b>DELETED</b>



	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	<p>legal person sends direct marketing communications directly to one or more identified or identifiable end-users using electronic communications services. In addition to the offering of products and services for commercial purposes, this should also include messages sent by political parties that contact natural persons via electronic communications services in order to promote their parties. The same should apply to messages sent by other non-profit organisations to support the purposes of the organisation.</p>	<p>legal person sends direct marketing communications directly to one or more identified or identifiable end-users using electronic communications services, <b>regardless of the form it takes</b>. In addition to the offering of products and services for commercial purposes, this should also include messages sent by political parties that contact natural persons via electronic communications services in order to promote their parties. The same should apply to messages sent by other non-profit organisations to support the purposes of the organisation.</p> <p>AM 32</p>	<p><del>which</del> <b>sent by a natural or legal person <del>sends</del> directly to one or more specific end-users using publicly available electronic communications services.</b></p> <p><b>The provisions on direct marketing communications should not apply to other form of marketing or advertising that is not sent</b> directly to <del>one or more identified or identifiable end-users using electronic communications services</del> <b>any specific end-user for reception by that end-user at addresses, number or other contact details, e.g. the display of advertising on a visited website or within an information society service requested by that end-user.</b> In addition to <b>direct communications advertising</b> for the offering of products and services for commercial purposes, <del>this should also</del> <b>Member States may decide that direct marketing communications may include messages</b> <b>direct marketing communications</b> sent by political parties that contact natural persons via <b>publicly available</b> electronic communications services in order to promote their parties. The same</p>	<p><b>DELETED</b></p>

	Commission Proposal	EP Mandate	<small>st6087/21</small> Council Mandate	Draft Agreement
			<p><del>should apply</del><b>applies</b> to messages sent by other non-profit organisations to support the purposes of the organisation.</p>	<p><b>DELETED</b></p>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
				<b>DELETED</b>
Recital 33				
44	<p>(33) Safeguards should be provided to protect end-users against unsolicited communications for direct marketing purposes, which intrude into the private life of end-users. The degree of privacy intrusion and nuisance is considered relatively similar independently of the wide range of technologies and channels used to conduct these electronic communications, whether using automated calling and communication systems, instant messaging applications, emails, SMS, MMS, Bluetooth, etc. It is therefore justified to require that consent of the end-user is obtained before commercial electronic communications for direct marketing purposes are sent to end-users in order to effectively protect individuals against the intrusion into their private life as well as the legitimate interest of</p>	<p>(33) Safeguards should be provided to protect end-users against unsolicited communications <del>for</del> direct marketing <del>purposes</del>, which intrude into the private life of end-users. The degree of privacy intrusion and nuisance is considered relatively similar independently of the wide range of technologies and channels used to conduct these electronic communications, whether using automated calling and <del>communication</del> <b>communications systems, semi-automated</b> systems, instant messaging applications, <del>emails</del> <b>faxes, e-mails</b>, SMS, MMS, Bluetooth, etc. It is therefore justified to require that consent of the end-user is obtained before commercial electronic communications for direct marketing purposes are sent to end-users in order to effectively protect</p>	<p>(33) Safeguards should be provided to protect end-users against <del>unsolicited communications for direct marketing purposes</del> <b>communications</b>, which intrude into the <del>private life</del> <b>privacy</b> of end-users. The degree of privacy intrusion and nuisance is considered relatively similar independently of the wide range of technologies and channels used to conduct these electronic communications, whether using automated calling and communication systems, instant messaging applications, emails, SMS, MMS, Bluetooth, etc. It is therefore justified to require that consent of the <del>end-user is obtained before commercial electronic communications for</del> <b>end-users who are natural persons is obtained before</b> direct marketing <del>purposes</del> <b>communications</b> are sent</p>	

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	<p>legal persons. Legal certainty and the need to ensure that the rules protecting against unsolicited electronic communications remain future-proof justify the need to define a single set of rules that do not vary according to the technology used to convey these unsolicited communications, while at the same time guaranteeing an equivalent level of protection for all citizens throughout the Union. However, it is reasonable to allow the use of e-mail contact details within the context of an existing customer relationship for the offering of similar products or services. Such possibility should only apply to the same company that has obtained the electronic contact details in accordance with Regulation (EU) 2016/679.</p>	<p>individuals against the intrusion into their private life as well as the legitimate interest of legal persons. Legal certainty and the need to ensure that the rules protecting against unsolicited electronic communications remain future-proof <b>and</b> justify the need to define a single set of rules that do not vary according to the technology used to convey these unsolicited communications, while at the same time guaranteeing an equivalent <b>high</b> level of protection for all <del>citizens</del><b>send-users</b> throughout the Union. However, it is reasonable to allow the use of e-mail contact details within the context of an existing customer relationship for the offering of <del>similar</del><b>other</b> products or services. Such possibility should only apply to the same company that has obtained the electronic contact details in accordance with Regulation (EU) 2016/679.</p> <p>AM 33</p>	<p>to <del>end-users</del><b>them</b> in order to effectively protect <del>individuals</del><b>them</b> against the intrusion into their private life <del>as well as the legitimate interest of legal persons</del>. Legal certainty and the need to ensure that the rules protecting against <del>unsolicited electronic</del><b>direct marketing</b> communications remain future-proof justify the need to define <b>in principle</b> a single set of rules that do not vary according to the technology used to convey these <del>unsolicited</del><b>direct marketing</b> communications, while at the same time guaranteeing an equivalent level of protection for all citizens throughout the Union. However, it is reasonable to allow the use of <del>e-mail</del> contact details <b>for electronic message</b> within the context of an existing customer relationship for the offering of similar products or services. Such possibility should only apply to the same company that has obtained the <del>electronic</del> contact details <b>for electronic message</b> in accordance with Regulation (EU) 2016/679.</p>	
Recital 34				

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
45	<p>(34) When end-users have provided their consent to receiving unsolicited communications for direct marketing purposes, they should still be able to withdraw their consent at any time in an easy manner. To facilitate effective enforcement of Union rules on unsolicited messages for direct marketing, it is necessary to prohibit the masking of the identity and the use of false identities, false return addresses or numbers while sending unsolicited commercial communications for direct marketing purposes. Unsolicited marketing communications should therefore be clearly recognizable as such and should indicate the identity of the legal or the natural person transmitting the communication or on behalf of whom the communication is transmitted and provide the necessary information for recipients to exercise their right to oppose to receiving further written and/or oral marketing messages.</p>	<p>(34) When end-users have provided their consent to receiving unsolicited communications for direct marketing purposes, they should still be able to withdraw their consent at any time in an easy manner. To facilitate effective enforcement of Union rules on unsolicited messages for direct marketing, it is necessary to prohibit the masking of the identity and the use of false identities, false return addresses or numbers while sending unsolicited commercial communications for direct marketing purposes. Unsolicited marketing communications should therefore be clearly recognizable as such and should indicate the identity of the legal or the natural person transmitting the communication or on behalf of whom the communication is transmitted and provide the necessary information for recipients to exercise their right to oppose to receiving further written and/or oral marketing messages.</p>	<p>(34) When end-users <b>who are natural persons</b> have provided their consent to receiving <del>unsolicited communications for</del> direct marketing <del>purposes</del><b>communications</b>, they should still be able to withdraw their consent at any time in an easy manner <b>and without any cost to them</b>. To facilitate effective enforcement of Union rules on <del>unsolicited messages for</del> direct marketing <b>communications</b>, it is necessary to prohibit the masking of the identity and the use of false identities, false return addresses or numbers while sending <del>unsolicited commercial communications for</del> direct marketing <del>purposes</del><b>communications</b>. <del>Unsolicited</del><b>Direct</b> marketing communications should therefore be clearly recognizable as such and should indicate the identity of the legal or the natural person <del>transmitting</del><b>sending</b> the communication <del>or on</del><b>and, where applicable, on whose behalf of whom</b> the communication is <del>transmitted</del><b>sent</b> and provide the necessary information for</p>	

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
			<p><del>recipients</del> <b>send-users who are natural persons</b> to exercise their right to <del>oppose</del> <b>withdraw their consent</b> to receiving further <del>written and/or oral marketing messages</del> <b>direct marketing communications, such as valid contact details (e.g. link, e-mail address) which can be easily used by end-users who are natural persons to withdraw their consent free of charge.</b></p>	
Recital 35				
46	<p>(35) In order to allow easy withdrawal of consent, legal or natural persons conducting direct marketing communications by email should present a link, or a valid electronic mail address, which can be easily used by end-users to withdraw their consent. Legal or natural persons conducting direct marketing communications through voice-to-voice calls and through calls by automating calling and communication systems should display their identity line on which the company can be called or</p>	<p>(35) In order to allow easy withdrawal of consent, legal or natural persons conducting direct marketing communications by email should present a link, or a valid electronic mail address, which can be easily used by end-users to withdraw their consent. Legal or natural persons conducting direct marketing communications through voice-to-voice calls and through calls by automating calling and communication systems should display their identity line on which the company can be called or</p>	<p>(35) <del>In order to allow easy withdrawal of consent,</del> Legal or natural persons conducting direct marketing communications <b>through voice-to-voice calls and through calls by automating calling and communication systems should present their identity line only</b> <del>by email should present a link, or a valid electronic mail address, which</del> <b>the company</b> can be easily used by end-users to withdraw their consent. Legal or natural persons conducting direct marketing communications through <del>voice to-voice calls and through</del></p>	

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	present a specific code identifying the fact that the call is a marketing call.	present a specific code identifying the fact that the call is a marketing call.	<del>calls by automating calling and communication systems should display their identity line on which the company can be called or present called.</del> <b>Member States are encouraged to introduce by means of national law a specific code or prefix identifying the fact that the call is a direct marketing call to improve the tools provided for the end-users in order to protect their privacy in more efficient manner. Using a specific code identifying the fact that the call is a or prefix should not relieve the legal or natural persons sending direct marketing call from the obligation to present their calling line identification.</b>	
Recital 36				
47	(36) Voice-to-voice direct marketing calls that do not involve the use of automated calling and communication systems, given that they are more costly for the sender and impose no financial costs on end-users. Member States should therefore be able to establish and or	(36) Voice-to-voice direct marketing calls that do not involve the use of automated calling and <del>communication</del> <b>communications</b> systems, given that they are more costly for the sender and impose no financial costs on end-users- <del>Member States should therefore be</del>	(36) Voice-to-voice direct marketing calls that do not involve the use of automated calling and communication systems, <del>given that they</del> are more costly for the sender and impose no financial costs on end-users. Member States should therefore be able to establish and or	

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	maintain national systems only allowing such calls to end-users who have not objected.	<p><del>able</del>, <b>justify the obligation for Member States</b> to establish and or maintain national systems only allowing such calls to end-users who have not objected.</p> <p>AM 34</p>	<p>maintain national systems <del>only allowing such</del> <b>which allow all or certain types of voice-to-voice</b> calls to end-users who <b>are natural persons and who</b> have not objected, <b>including in the context of an existing customer relationship</b>.</p> <p>Mandate 33a</p>	
Recital 37				
48	(37) Service providers who offer electronic communications services should inform end- users of measures they can take to protect the security of their communications for instance by using specific types of software or encryption technologies. The requirement to inform end-users of particular security risks does not discharge a service provider from the obligation to take, at its own costs, appropriate and immediate measures to remedy any new, unforeseen security risks and restore the normal security level of the service. The provision of information about security risks to	(37) Service providers who offer electronic communications services should <del>inform end-process</del> <b>electronic communications data in such a way as to prevent unauthorised processing, including access, or alteration. They should ensure that such unauthorised access or alteration can be detected, and also ensure that electronic communications data are protected by using state-of-the art software and cryptographic methods including encryption technologies. Service providers should also inform</b> users of measures they can take to protect the security of their	Deleted	



	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	the subscriber should be free of charge. Security is appraised in the light of Article 32 of Regulation (EU) 2016/679.	communications for instance by using specific types of software or encryption technologies. The requirement to inform end-users of particular security risks does not discharge a service provider from the obligation to take, at its own costs, appropriate and immediate measures to remedy any new, unforeseen security risks and restore the normal security level of the service. The provision of information about security risks to the subscriber should be free of charge. Security is appraised in the light of Article 32 of Regulation (EU) 2016/679. <b><i>The obligations of Article 40 of the [European Electronic Communications Code] should apply to all services within the scope of this Regulation as regards the security of networks and services and related security obligations thereto.</i></b>  AM 35		
Article 4(3), point (-ae)				
87f		<b><i>(-ae) 'end-user' means a legal entity or a natural person using or</i></b>		

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		<i>requesting a publicly available electronic communications service;</i>  AM 59		
Article 4(3), point (-af)				
87g		<i>(-af) 'user' means any natural person using a publicly available electronic communications service, for private or business purposes, without necessarily having subscribed to this service;</i>  AM 60		
Article 4(3), point (d)				
91	(d) 'publicly available directory' means a directory of end-users of electronic communications services, whether in printed or electronic form, which is published or made available to the public or to a section of the public, including by means of a directory enquiry service;	(d) 'publicly available directory' means a directory of end-users of electronic communications services, whether in printed or electronic form, which is published or made available to the public or to a section of the public, including by means of a directory enquiry service;	(d) 'publicly available directory' means a directory of end-users of <del>electronic</del> <b>number-based interpersonal</b> communications services, whether in printed or electronic form, which is published or made available to the public or to a section of the public, including by means of a directory enquiry service <b>and the main function of which is to enable identification of such end-users;</b>	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
				<b>DELETED</b>
Article 4(3), point (e)				
92	(e) ‘electronic mail’ means any electronic message containing information such as text, voice, video, sound or image sent over an electronic communications network which can be stored in the network or in related computing facilities, or in the terminal equipment of its recipient;	(e) ‘electronic mail’ means any electronic message containing information such as text, voice, video, sound or image sent over an electronic communications network which can be stored in the network or in related computing facilities, or in the terminal equipment of its recipient;	(e) ‘electronic <del>mail</del> message’ means any <del>electronic</del> message containing information such as text, voice, video, sound or image sent over an electronic communications network which can be stored in the network or in related computing facilities, or in the terminal equipment of its recipient, <b>including e-mail, SMS, MMS and functionally equivalent applications and techniques;</b>	<b>DELETED</b>
Article 4(3), point (f)				
93	(f) ‘direct marketing communications’ means any form of advertising, whether written or oral, sent to one or more identified or identifiable end-users of electronic communications services, including the use of automated calling and communication systems with or	(f) ‘direct marketing communications’ means any form of advertising, whether <i>in</i> written, <b><i>oral or video format, sent, served or presented</i></b> <del>or oral, sent</del> to one or more identified or identifiable end-users of electronic communications services, including the use of automated calling and	(f) ‘direct marketing communications’ means any form of advertising, whether written or oral, sent <b>via a publicly available electronic communications service directly</b> to one or more <del>identified or identifiable end-users of electronic communications services, including specific end-</del>	<b>(DELETED)</b>

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	without human interaction, electronic mail, SMS, etc.;	<del>eommunication</del> <b>communications</b> systems with or without human interaction, electronic mail, SMS, <b>fax machines</b> etc.;	<b>users, including the placing of voice-to-voice calls</b> , the use of automated calling and communication systems with or without human interaction, electronic mail, SMS, <b>message</b> etc.;	<b>DELETED</b>
Article 4(3), point (g)				
94	(g) ‘direct marketing voice-to-voice calls’ means live calls, which do not entail the use of automated calling systems and communication systems;	(g) ‘direct marketing voice-to-voice calls-’ means live calls, which do not entail the use of automated calling systems and <del>eommunication</del> <b>communications</b> systems, <b>including calls made using automated calling and communications systems which connect the called person to an individual</b> ;	(g) ‘direct marketing voice-to-voice calls’ means live calls, which do not entail the use of automated calling systems and communication systems;	
Article 4(3), point (h)				
95	(h) ‘automated calling and communication systems’ means systems capable of automatically initiating calls to one or more recipients in accordance with instructions set for that system, and	(h) ‘automated calling and <del>eommunication</del> <b>communications</b> systems’ means systems capable of automatically initiating calls to one or more recipients in accordance with instructions set for that	(h) ‘automated calling and communication systems’ means systems capable of automatically initiating calls to one or more recipients in accordance with instructions set for that system, and	

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	transmitting sounds which are not live speech, including calls made using automated calling and communication systems which connect the called person to an individual.	system, and transmitting sounds which are not live speech; <i>including calls made using automated calling and communication systems which connect the called person to an individual.</i>  AM 65	transmitting sounds which are not live speech, including calls made using automated calling and communication systems which connect the called person to an individual;	
Article 4(3), point (i)				
95a			<b>(i) 'direct marketing calls' means direct marketing voice-to-voice calls and calls made via automated calling and communication systems for the purpose of direct marketing.</b>	
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' RIGHTS TO CONTROL ELECTRONIC COMMUNICATIONS</b>	<b>DELETED</b>
Article 12				

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G	138	Article 12 Presentation and restriction of calling and connected line identification	Article 12 Presentation and restriction of calling and connected line identification	DELETED
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 [107115] of the {Directive establishing the European Electronic Communication Code}(EU) 2018/1972, 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;	DELETED

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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)				

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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)	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)	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)</del>	<b>DELETED</b>



	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	of paragraph 1.	of paragraph 1.	<del>of paragraph 1</del> <b>paragraph 1 and the exceptions set forth in Article 13.</b>	
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, including public safety answering	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, including public safety answering	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 dealing with emergency	<b>DELETED</b>

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	points, for the purpose of responding to such communications.	points, for the purpose of responding to such communications.  AM 123	communications, including public safety answering points, for the purpose of responding to such communications.	<b>DELETED</b>
Article 13(1a)				
148a			<b>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>	<b>DELETED</b>

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Article 13(2)				
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	<b>DELETED</b>
Article 13(3)				
149a			<b>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</b>	

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			terminal equipment settings, 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> Blocking unwanted, malicious or nuisance calls	<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	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	<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	<b>DELETED</b>

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	charge:	charge: AM 125	charge, malicious or nuisance calls by end-users.	<b>DELETED</b>
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.	<b>DELETED</b>
Article 14(2)				
151b			2. Providers of number-based interpersonal communications services shall also provide the called end-user with the following possibilities, free of charge:	<b>DELETED</b>

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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)</b> ; and	<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> user's terminal equipment.  AM 127	(b) to stop automatic call forwarding by a third party to the end-user's terminal equipment.	<b>DELETED</b>
Article 15				
154	Article 15 Publicly available directories	Article 15 Publicly available directories	Article 15 Publicly available directories	
Article 15(1)				
155				

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	<p>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.</p>	<p>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 services 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 shall 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.</b></p>	<p>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></p>	<p><b>DELETED</b></p>

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		AM 128		DELETED
Article 15(1a)				
155a			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 he end-user who is a natural person shall have the right to object to such inclusion.	DELETED
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> <i>users</i> whose personal data are in the directory of the available search functions of the directory and <del>obtain end-users' consent before enabling</del> <i>provide the users the option to disable</i> such search functions related to their own data.	2. The providers of a publicly available directory <del>number-based interpersonal communications services</del> shall inform end-users who are natural persons whose personal data are in the directory of the available search functions <del>of any search function that is not based on name or number in the directory and obtain end-users' the</del>	DELETED



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		AM 129	consent of <b>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 providers</b> 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 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.</b>  AM 130	3. The providers of <del>publicly 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>
Article 15(3a)				

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157a			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>DELETED</b>
Article 15(3aa)				
157b			3aa. Notwithstanding paragraphs 1aa to 3a, Member States may provide by law that the requirements under those paragraphs apply to providers of publicly available directories, in addition to or instead of, providers of number-based interpersonal communications services.	<b>DELETED</b>
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	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>

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		<p>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></p> <p>AM 131</p>		<b>DELETED</b>
Article 15(4a)				
158a		<p><b>4a. Where the personal data of the users of number- based interpersonal communications services have been included in a 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.</b></p> <p>AM 132</p>	<p><b>4a. Where the personal data of the end-users of number based interpersonal communications services have been included in a 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.</b></p>	<b>DELETED</b>

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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 services for the purposes of sending direct marketing communications to end-users who are natural persons that have given their consent.	1. <i>The use by</i> natural or legal persons <del>may use of electronic 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</del> electronic communications services for the purposes of <i>presenting or</i> sending direct marketing communications to <del>end-users who are natural persons that</del> users, <i>shall be allowed only in respect of users who</i> have given their <i>prior</i> consent.  AM 133	1. Natural or legal persons <del>may</del> <b>use shall be prohibited from using</b> 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.	<b>DELETED</b>

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Article 16(2)				
161	<p>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 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.</p>	<p>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 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 shall be given an easy way to exercise it</i></b> at the time of collection and each time a message is sent.</p> <p>AM 134</p>	<p>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 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 <b>of 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></p>	<p><b>DELETED</b></p>
Article 16(2a)				
161a				<b>DELETED</b>

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			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.	<b>DELETED</b>
Article 16(3), introductory part				
162	3. Without prejudice to paragraphs 1 and 2, natural or legal persons using electronic communications services for the purposes of placing direct marketing calls shall:	3. Without prejudice to paragraphs 1 and 2, natural or legal persons using electronic communications services for the purposes of placing direct marketing calls shall:	3. Without prejudice to paragraphs 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>	<b>DELETED</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	(b) present a specific code/or prefix identifying the fact that the		

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	call is a marketing call.	call is a marketing call.		
Article 16(3a)				
164a		<p><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></p> <p>AM 135</p>		
Article 16(3a)				
164b			<p><b>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</b></p>	<b>DELETED</b>

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			purposes of direct marketing calls.	<b>DELETED</b>
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 receiving those communications. <b>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.</b>  AM 136	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>
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	5. Member States shall ensure, in the framework of Union law and applicable national law, that the legitimate interest of end-users that	5. Member States shall ensure, in the framework of Union law and applicable national law, that the legitimate interest of end-users that	<b>DELETED</b>



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	are legal persons with regard to unsolicited communications sent by means set forth under paragraph 1 are sufficiently protected.	are legal persons with regard to unsolicited communications sent by means set forth under paragraph 1 are sufficiently protected.	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.	<b>DELETED</b>
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 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.	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 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	6. Any natural or legal person using electronic communications services to <del>transmitsend</del> direct marketing communications shall, <b>each time a direct</b> <del>inform end-users of the marketing nature of the 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>	<b>DELETED</b>
Article 16(6), point (a)				
167a			<b>(a) reveal his or its identity and use effective return addresses or</b>	<b>DELETED</b>

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			numbers;	<b>DELETED</b>
Article 16(6), point (b)				
167b			(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>DELETED</b>
Article 16(6), point (c)				
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.	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
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				
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,	<del>1. In the case of a particular risk that may compromise</del> <b>Providers of electronic communications services shall comply with the security obligations as prescribed Regulation (EU) 2016/679 and [European Electronic Communications Code]. As regards</b> the security of networks and <del>electronic communications</del>		

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	inform end-users of any possible remedies, including an indication of the likely costs involved.	<p><i>services, the provider of an services and related security obligations, the obligations of Article 40 of the [European Electronic Communications service Code] 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,</del> inform end users of any possible remedies, including an indication of the likely costs involved</i> apply <i>mutatis mutandis to all services in the scope of this Regulation. This 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</i></p>		

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
		<p><i>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 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,</i></p>		

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		<p><i>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> <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</i></p>		

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
		<p><i>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	CHAPTER V REMEDIES, LIABILITY AND PENALTIES	CHAPTER V REMEDIES, LIABILITY AND PENALTIES	CHAPTER V REMEDIES, LIABILITY AND PENALTIES	<b>DELETED</b>
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,	1. Without prejudice to any other administrative or judicial remedy,	1. Without prejudice to any other administrative or judicial remedy,	<b>DELETED</b>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
	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.	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, <b>79 and 80</b> <del>and 79</del> of Regulation (EU) 2016/679.  AM 148	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.	<b>DELETED</b>
Article 21(1a)				
183a		<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</i>		



	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
		<p><i>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 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</i></p>		

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		<p><i>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			<p><b>1a. Articles 77-80 of Regulation (EU) 2016/679 shall apply mutatis mutandis.</b></p>	<p><b>DELETED</b></p>
Article 21(2)				
184	<p>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.</p>	<p>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.</p>	<p>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.</p>	<p><b>DELETED</b></p>

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
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 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.	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 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.	Any <del>end-user of electronic communications services</del> <b>person</b> who has suffered material or non-material damage as a result of an infringement of this Regulation shall have the right to receive 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 in accordance with Article 82 of Regulation (EU) 2016/679.</del>	<b>DELETED</b>
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>

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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, <b>mutatis mutandis</b> .  AM 151	1. <del>For the purpose of this Article, Chapter VII 83</del> 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, 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:	2. Infringements of the following provisions of this Regulation shall, 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:	2. Infringements of the following provisions of this Regulation shall, 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;	<del>(a) 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;	

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Article 23(2), point (aa)				
190a		<p><i>(aa) the obligations of the providers of electronic communications services pursuant to Article 11c;</i></p> <p>AM 153</p>		<b>DELETED</b>
Article 23(2), point (b)				
191	(b) the obligations of the provider of software enabling electronic communications, pursuant to Article 10;	<p><del>(b) the obligations of the provider of software enabling electronic communications, pursuant to Article 10;</del></p> <p>AM 154 deleted</p>	Deleted	
Article 23(2), point (ba)				
191a		<p><i>(ba) the obligations of the providers of publicly available number-based interpersonal communication services pursuant to Articles 12, 13 and 14.</i></p> <p>AM 155</p>		
Article 23(2), point (c)				
192				<b>DELETED</b>

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	(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>
Article 23(2), point (e)				
193a			<b>(e) the obligation to designate a representative pursuant to Article 3 number 2.</b>	
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	3. Infringements of the <i>principle of confidentiality of eommunications, permitted processing of electronic eommunications data, time limits for erasure pursuant to Artieles 5, 6, and 7</i> following provisions of <b>this Regulation</b> shall, in	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	

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	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.	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	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.	
Article 23(3), point (a)				
194a		<i>(a) the principle of confidentiality of communications pursuant to Article 5;</i>  AM 157		
Article 23(3), point (b)				
194b		<i>(b) the permitted processing of electronic communications data, pursuant to Article 6;</i>  AM 158		
Article 23(3), point (c)				
194c		<i>(c) the time limits for erasure and the confidentiality obligations</i>		

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		<i>pursuant to Article 7;</i> <a href="#">AM 159</a>		
Article 23(3), point (d)				
194d		<i>(d) the obligations of any legal or natural person who process electronic communications data pursuant to Article 8;</i> <a href="#">AM 160</a>		
Article 23(3), point (e)				
194e		<i>(e) the requirements for consent pursuant to Article 9;</i> <a href="#">AM 161</a>		
Article 23(3), point (f)				
194f		<i>(f) the obligations of the provider of software enabling electronic communications, pursuant to Article 10;</i> <a href="#">AM 162</a>		
Article 23(3), point (g)				



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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> <p>AM 163</p>		
Article 23(4)				
195	<p>4. Member States shall lay down the rules on penalties for infringements of Articles 12, 13, 14, and 17.</p>	<p>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></p> <p>AM 164</p>	<p>4. Member States shall lay down the rules on penalties for infringements of Articles 12, 13, 14, and 17 <b>and 14.</b></p>	

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
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, whichever is higher.	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, whichever is higher.	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, whichever is higher.	<b>DELETED</b>
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>

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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)				
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	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	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	<b>DELETED</b>

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	[xxx] and, without delay, any subsequent amendment law or amendment affecting them.	[xxx] and, without delay, any subsequent amendment law or amendment affecting them.	[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>
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)				

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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>
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.	

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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)				
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	4. Before adopting a delegated act, the Commission shall consult	4. Before adopting a delegated act, the Commission shall consult	

	<b>Commission Proposal</b>	<b>EP Mandate</b>	<b>st6087/21 Council Mandate</b>	<b>Draft Agreement</b>
	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.	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.	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.	
<b>Article 25(5)</b>				
209	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
<b>Article 25(6)</b>				
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	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	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	

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	the initiative of the European Parliament or of the Council.	the initiative of the European Parliament or of the Council.	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)				
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><sup>1</sup> 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. <i>For the purpose of Articles 13(2) and 16(7)</i>, 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><sup>1</sup> 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>1</sup>II.</p> <p><sup>1</sup> 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>	



	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
Article 26(2)				
213	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	
CHAPTER VII				
214	CHAPTER VII FINAL PROVISIONS	CHAPTER VII FINAL PROVISIONS	CHAPTER VII FINAL PROVISIONS	<b>DELETED</b>
Article 27				
215	Article 27 Repeal	Article 27 Repeal	Article 27 Repeal	<b>DELETED</b>
Article 27(1)				
216	1. Directive 2002/58/EC is repealed with effect from 25 May 2018.	1. Directive 2002/58/EC <del>is and</del> <b>Commission Regulation 611/2013</b> are repealed with effect from <del>25 May 2018</del> <b>[XXX]</b> .  AM 166	1. Directive 2002/58/EC is repealed with effect from <del>25 May 2018</del> <b>[1 August 2022]</b> .	
Article 27(2)				

	Commission Proposal	EP Mandate	st6087/21 Council Mandate	Draft Agreement
217	2. References to the repealed Directive shall be construed as references to this Regulation.	2. References to the repealed Directive shall be construed as references to this Regulation.	2. References to the repealed Directive shall be construed as references to this Regulation.	<b>DELETED</b>
Article 28				
218	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><i>the date of entry into force of this Regulation</i></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	No later than three years after the	No later than three years after the	<b>DELETED</b>

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