

Brussels, 18 November 2025
(OR. en)

15596/25

Interinstitutional File:
2024/0318 (COD)

AGRI 625
AGRIORG 141
CODEC 1845

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	16776/24
Subject:	Regulation on cross-border enforcement of rules against unfair trading practices (UTPs) - <i>Four-Column table</i>

Delegations will find attached an updated four-column table reflecting the political agreement reached at the second trilogue on 12 November 2025. The table contains, in the second and third columns, the European Parliament's and the Council's negotiating positions and, in the fourth column, in the rows marked in green, the text provisionally agreed. Please note that the green rows where there is no text in the fourth column are considered to be deleted. Technical work to align the recitals with the political agreement is ongoing.

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on cooperation among enforcement authorities responsible for the enforcement of Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain

2024/0318(COD)

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
Formula				
<small>G</small> 1	2024/0318 (COD)	2024/0318 (COD)	2024/0318 (COD)	2024/0318 (COD) <small>Text Origin: Commission Proposal</small>
Document Stage				

	<div>CLEAN</div> <div>Commission Proposal</div>	<div>VS.EC</div> <div>EP Mandate</div>	<div>VS.EC</div> <div>Council Mandate</div>	<div>VS.EC</div> <div>Draft Agreement</div>
G	2	Proposal for a	Proposal for a	Proposal for a <div>Text Origin: Commission Proposal</div>
Document Type				
G	3	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL <div>Text Origin: Commission Proposal</div>
Document Purpose				
G	4	on cooperation among enforcement authorities	on cooperation among enforcement authorities	on cooperation among enforcement authorities

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
	responsible for the enforcement of Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain	responsible for the enforcement of Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain	responsible for the enforcement of Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain	responsible for the enforcement of Directive (EU) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain <small>Text Origin: Commission Proposal</small>
Formula				
<small>G</small> 5	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, <small>Text Origin: Commission Proposal</small>

	<div>CLEAN</div> <div>Commission Proposal</div>	<div>VS.EC</div> <div>EP Mandate</div>	<div>VS.EC</div> <div>Council Mandate</div>	<div>VS.EC</div> <div>Draft Agreement</div>
Citation 1				
G	6 <div>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,</div>	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof, <div>Text Origin: Commission Proposal</div>
Citation 2				
G	7 <div>Having regard to the proposal from the European Commission,</div>	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, <div>Text Origin: Commission Proposal</div>

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Citation 3				
<small>G</small> 8	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, <small>Text Origin: Commission Proposal</small>
Citation 4				
<small>G</small> 9	Having regard to the opinion of the European Economic and Social Committee ¹ , _____ 1. OJ C [...], [...], p. [...].	Having regard to the opinion of the European Economic and Social Committee ¹ , _____ 1. OJ C [...], [...], p. [...].	Having regard to the opinion of the European Economic and Social Committee ¹ , _____ 1. OJ C [...], [...], p. [...].	Having regard to the opinion of the European Economic and Social Committee ¹ , _____ 1. OJ C [...], [...], p. [...].

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				Text Origin: Commission Proposal
Citation 5				
G 10	Having regard to the opinion of the Committee of the Regions ¹ , _____ 1. OJ C , , p. .	<i>Having regard to the opinion of the Committee of the Regions¹;</i> _____ <i>1. OJ C , , p. .</i>	Having regard to the opinion of the Committee of the Regions ¹ ; [1,] _____ 1. OJ C , , p. .	<i>Having regard to the opinion of the Committee of the Regions¹; [1,]</i> _____ 1. OJ C , , p. . Text Origin: Council and EP Mandate
Citation 6				
G 11	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,

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				Text Origin: Commission Proposal
	Formula			
G 12	Whereas:	Whereas:	Whereas:	Whereas: Text Origin: Commission Proposal
	Recital 1			
Y 13	(1) Directive (EU) 2019/633 of the European Parliament and of the Council ¹ introduced a minimum Union standard of protection against unfair trading practices to reduce the occurrence	(1) Directive (EU) 2019/633 of the European Parliament and of the Council ¹ introduced a minimum Union standard of protection against unfair trading practices to reduce the occurrence	(1) Within the agricultural and food supply chain, significant imbalances in bargaining power between suppliers and buyers of agricultural and food products	

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	<p>of practices which are likely to have a negative impact on the living standards of the agricultural community.</p> <p>_____</p> <p>1. Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (OJ L 111, 25.4.2019, p. 59, ELI: http://data.europa.eu/eli/dir/2019/633/oj).</p>	<p>of practices which are likely to have a negative impact on the living standards of the agricultural community.</p> <p>_____</p> <p>1. Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (OJ L 111, 25.4.2019, p. 59, ELI: http://data.europa.eu/eli/dir/2019/633/oj).</p>	<p>are likely to lead to unfair trading practices. Directive (EU) 2019/633 of the European Parliament and of the Council¹ introduced a minimum Union standard of protection against unfair trading practices to reduce the occurrence of such practices which are likely to have a negative impact on the living standards of the agricultural community.</p> <p>_____</p> <p>1. Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (OJ L 111, 25.4.2019, p. 59, ELI: http://data.europa.eu/eli/dir/2019/633/oj).</p>	

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Recital 1a								
Y	13a			<p><u><i>(1a) The first evaluation of Directive (EU) 2019/633 together with a report on the main findings should be presented by the Commission by 1 November 2025. The report from the Commission on Implementing the prohibition of unfair trading practices to strengthen the position of farmers and operators in the agricultural and food supply chain - State of play of 23 April 2024 highlighted the persistence of imbalances within the agri-food chain, which increases the need for a legislative proposal amending that Directive in order to further</i></u></p>				Y

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		<u><i>step up protection for suppliers and ensure sufficient bargaining power to all operators by broadening its scope.</i></u>		
Recital 2				
14	(2) Directive (EU) 2019/633 requires Member States to designate enforcement authorities that ensure the effective enforcement of the prohibitions laid down in that Directive. That Directive also requires the Commission and those enforcement authorities to cooperate closely to ensure a common approach with respect to the application of the rules set out in that Directive. In particular, the	(2) Directive (EU) 2019/633 requires Member States to designate enforcement authorities that ensure the effective enforcement of the prohibitions laid down in that Directive. That Directive also requires the Commission and those enforcement authorities to cooperate closely to ensure a common approach with respect to the application of the rules set out in that Directive. In particular, the	(2) Directive (EU) 2019/633 requires Member States to designate enforcement authorities that ensure the effective enforcement of the prohibitions laid down in that Directive. That Directive also requires the Commission and those enforcement authorities to cooperate closely to ensure a common approach with respect to the application of the rules set out in that Directive. In particular, the	(2) Directive (EU) 2019/633 requires Member States to designate enforcement authorities that ensure the effective enforcement of the prohibitions laid down in that Directive. That Directive also requires the Commission and those enforcement authorities to cooperate closely to ensure a common approach with respect to the application of the rules set out in that Directive. In particular, the

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	<p>enforcement authorities should provide each other with mutual assistance, including by sharing information and assisting in investigations that have a cross-border dimension.</p>	<p>enforcement authorities should provide<u>aim to prevent or stop unfair trading practices that have a cross-border dimension and that are performed in whole or in part on their respective territories.</u> They should do so by providing</p> <p>each other with mutual assistance, including by sharing information and assisting in investigations that have a cross-border dimension.</p>	<p>enforcement authorities should provide each other with mutual assistance, including by sharing information and assisting in investigations that have a cross-border dimension. While the scope and the possibilities for cooperation under that Directive remain fully available to the enforcement authorities of the Member States, it is opportune to address some difficultites and increase the effectiveness of the cooperation mechanism.</p>	<p>enforcement authorities should provide<u>aim to prevent or stop unfair trading practices that have a cross-border dimension and that are performed on their respective territories. They should do so by providing</u> each other with mutual assistance, including by sharing information and assisting in investigations that have a cross-border dimension. <u>While the scope and the possibilities for cooperation under that Directive remain fully available to the enforcement authorities of the Member States, it is opportune to address some difficulties and increase the effectiveness of the cooperation mechanism</u></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: EP Mandate
Recital 3				
15	(3) Due to the principle of territoriality, enforcement authorities may face difficulties gathering information, finding an infringement and imposing and enforcing fines and other equally effective penalties where a buyer is established in another Member State. Such difficulties affect the system of enforcement established by Directive (EU) 2019/633, which depends on cooperation between enforcement authorities, and may lead to an uneven	(3) Due to the principle of territoriality, enforcement authorities may face difficulties gathering information, finding an infringement and imposing and enforcing fines and other equally effective penalties where a buyer <u>or a supplier</u> is established in another Member State <u>or outside the Union, including when a buyer is member of one or more retail alliances, as those entities have an inherent cross-border purchasing strategy and might</u>	(3) Due to the principle of territoriality, enforcement authorities may face difficulties gathering information, finding an infringement and imposing and enforcing fines and other equally effective penalties where a buyer is established in another Member State. Such difficulties affect the system of enforcement established by Directive (EU) 2019/633, which depends on cooperation between enforcement authorities, and may lead to an uneven	(3) Due to the principle of territoriality, enforcement authorities may face difficulties gathering information, finding an infringement and imposing and enforcing fines and other equally effective penalties where a buyer is established in another Member State, <u>for example when operators of the food supply chain or their alliances have a cross-border purchasing strategy</u> . Such difficulties affect the system of enforcement established by

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	<p>enforcement of unfair trading practices, undermining the protection for suppliers of agricultural and food products intended by that Directive. It is therefore appropriate to establish rules strengthening cooperation between enforcement authorities in cross-border cases.</p>	<p><u><i>circumvent certain legal provisions, even when the acquired agricultural and food products are intended for the market of the Member State of the supplier</i></u>. Such difficulties affect the system of enforcement established by Directive (EU) 2019/633, which depends on cooperation between enforcement authorities, and may lead to an uneven enforcement of unfair trading practices, undermining the protection for suppliers of agricultural and food products intended by that Directive. It is therefore appropriate to establish <u><i>uniform</i></u> rules strengthening cooperation between enforcement authorities in cross-border cases</p>	<p>enforcement of unfair trading practices, undermining the protection for suppliers of agricultural and food products intended by that Directive. It is therefore appropriate to establish certain rules strengthening cooperation between enforcement authorities in cross-border cases.</p> <p>Strengthening that cooperation leads to a more effective protection against unfair trading practices with cross-border dimension and contributes to strengthening farmers' position in the supply chain and thus ensuring a fair standard of living for the agricultural community.</p>	<p>Directive (EU) 2019/633, which depends on cooperation between enforcement authorities, and may lead to an uneven enforcement of unfair trading practices, undermining the protection for suppliers of agricultural and food products intended by that Directive. It is therefore appropriate to establish <u><i>certain, uniform</i></u> rules strengthening cooperation between enforcement authorities in cross-border cases.</p> <p><u><i>Strengthening that cooperation leads to a more effective protection against unfair trading practices with cross-border dimension and contributes to strengthening farmers' position in the supply chain and thus</i></u></p>

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		<u>with the aim of reinforcing the position of farmers within the agricultural and food supply chain and of ensuring fairer standards of living for them.</u>		<u>ensuring a fair standard of living for the agricultural community.</u> Text Origin: Council and EP Mandate
Recital 4				
16	(4) Given that Directive (EU) 2019/633 allows Member States to maintain or introduce stricter national rules against unfair trading practices, it should be clarified that this Regulation does not cover those rules. However, the Regulation should allow the Member States to decide that their enforcement authorities can make use of the possibility to exchange	(4) Given that Directive (EU) 2019/633 allows Member States to maintain or introduce stricter national rules against unfair trading practices, it should be clarified that this Regulation does not cover those rules. However, the Regulation should allow the Member States to decide that their enforcement authorities can make use of the possibility to exchange	(4) Given that Directive (EU) 2019/633 allows Member States to maintain or introduce stricter national rules against unfair trading practices, it should be clarified that this Regulation does not cover those rules. However, the Regulation should allow the Member States to may decide that their enforcement authorities can make use of the possibility to	(4) Given that Directive (EU) 2019/633 allows Member States to maintain or introduce stricter national rules against unfair trading practices, it should be clarified that this Regulation does not cover those rules. However, the Regulation should allow the Member States <u>should be able</u> to decide that their enforcement authorities can make use of the

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	<p>information established under the mutual assistance mechanism set out by this Regulation in relation to such rules. In those cases, the enforcement authorities should still have the right to refuse to comply with such a request.</p>	<p>information established under the mutual assistance mechanism set out by this Regulation in relation to such rules. In those cases, <u><i>provided that a reason is given for the refusal,</i></u> the enforcement authorities should still have the right to refuse to comply with such a request <u><i>for assistance in the enforcement of Directive (EU) 2019/633, except when it concerns the breach of overriding mandatory provisions within the meaning of Article 9 of Regulation (EC) No 593/2008 of the European Parliament and of the Council^{1a} that aim to guarantee the stable and sustainable supply of food products to consumers.</i></u></p>	<p>exchange information established under the mutual assistance mechanism set out by this Regulation in relation to such rules. In those cases, the enforcement authorities should still have the right to refuse to comply with such a request on the sole condition that they indicate the reason for the refusal.</p>	<p><i>possibility to exchange information</i> <u><i>possibilities</i></u> established under the <i>mutual assistance</i> <u><i>voluntary cooperation</i></u> mechanism set out by this Regulation in relation to such rules. <u><i>This possibility can be important in particular when the stricter national rules are categorised in some Member States as overriding mandatory provisions that aim to guarantee the stable and sustainable supply of food products to consumers.</i></u> In those cases, the enforcement authorities should <i>still</i> have the right to refuse to comply with such a request.</p>

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Recital 5				
Y 17	(5) To ensure the effective application of their obligations under this Regulation, enforcement authorities should be provided with the necessary resources and expertise.	(5) To ensure the effective application of their obligations under this Regulation, enforcement authorities should be provided with the necessary resources and expertise, <u>including to avoid any charge for suppliers for submitting a complaint, to ensure confidentiality and to make available, in particular to agricultural and food producers, regulatory bodies and other responsible authorities, clear and accessible information on the possibilities for submitting a complaint.</u>	(5) To ensure the effective application of their obligations under this Regulation, enforcement authorities should be provided with the necessary resources and expertise.	
Recital 6				

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18	<p>(6) Enforcement authorities should have the power to provide one another with and use in evidence in accordance with their national law any matter of fact or of law, including confidential information. Information exchanged shall only be used in evidence for the purpose of applying the rules established by Directive (EU) 2019/633 and in respect of the subject-matter for which it was collected by the transmitting authority.</p>	<p>(6) Enforcement authorities should have the power to provide one another with and use in evidence in accordance with their national law any matter of fact or of law, including confidential information, <u>while paying particular attention to the protection of that information, assuring confidentiality and anonymity if requested by the complainant and applying the rules established by Regulation (EU) 2016/679 of the European Parliament and of the Council^{1a} and by Directive (EU) 2019/633.</u></p> <p>Information exchanged shall only be used in evidence for the purpose of applying the rules established by Directive (EU)</p>	<p>(6) Enforcement authorities should have the power to provide one another with and use in evidence in accordance with their national law any matter of fact or of law, including confidential information. Information exchanged shall only be used in evidence for the purpose of applying this Regulation to enforce the rules established by Directive (EU) 2019/633 and in respect of the subject-matter for which it was collected by the transmittingrequested authority.</p> <p>The confidentiality of the information should be guaranteed with due regard to the legitimate interests of a natural person or legal person</p>	

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		2019/633 and in respect of the subject-matter for which it was collected by the transmitting authority.	concerned. Requests of complainants for protection of information based on Article 5 (3) of Directive (EU) 2019/633 should be taken into account and protection should also be ensured in cross border enforcement.	
Recital 7				
19	(7) Enforcement authorities should be empowered in their own territory to exercise the powers referred to in Article 6(1), points (b) and (c), of Directive (EU) 2019/633, in accordance with their national law, on behalf of and for the account of other enforcement authorities.	(7) Enforcement authorities should be empowered in their own territory to exercise the powers referred to in Article 6(1), points (b), <u>(c) and (d)</u> and (e) , of Directive (EU) 2019/633, in accordance with their national law, on behalf of and for the account of other enforcement authorities.	(7) Enforcement authorities should be empowered in their own territory to exercise the powers referred to in Article 6(1), points (b) and (c), of Directive (EU) 2019/633, in accordance with their national law, conduct investigative measures on behalf of and for the account of other	

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			enforcement authorities. Such investigative measures should be carried out in accordance with the powers referred to in Article 6(1), points (a), (b) and (c) of Directive (EU) 2019/633 and in accordance with the national law of the requested enforcement authority.	
Recital 7a				
Y 19a		<u><i>(7a) In order to increase the efficiency and effectiveness of this Regulation, to secure smooth cooperation between enforcement authorities and to avoid excessive costs for the requested enforcement authorities, rules on covering the costs of measures</i></u>	(7a) Cooperation between the enforcement authorities concerning the enforcement of final decisions imposing fines or other equally effective penalties and interim measures adopted in accordance with Article 6(1), first subparagraph, point (e) of	Y

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		<p><u>taken pursuant to this Regulation should be laid down. Moreover, enforcement authorities should be able to recover the costs incurred in relation to the enforcement from the fines collected.</u></p>	<p>Directive (EU) 2019/633 is very important in order to achieve an effective protection against unfair trading practices with cross-border dimension. For this purpose it is necessary that the requested enforcement authority is vested with a power to enforce a final decision adopted by the applicant enforcement authority when the collection of the fines or the implementation of the equally effective penalty or interim measure by the applicant enforcement authority is unsuccessful. In case where the collection of fines or the implementation of equally effective penalties or interim measures in the Member State</p>	

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			of the requested enforcement authority is carried out by another authority, the requested enforcement authority should have the power to initiate the collection of the fine or the implementation of the equally effective penalty or interim measures before that competent national authority.	
Recital 7b				
Y 19b			(7b) In order to secure smooth cooperation between enforcement authorities, rules on covering costs of measures taken pursuant to this Regulation should be laid down. In order to avoid that requests	Y

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			<p>for mutual assistance result in excessive costs for the requested enforcement authorities, while ensuring that the enforcement authorities devote sufficient resources and efforts to the requests, the requested authority should be authorised to ask that the applicant enforcement authority bears all additional costs deriving from the request, unless the costs can be considered as unreasonable, for example due to unnecessary actions. However, in case a fine is collected on behalf of the applicant enforcement authority, the fine should in principle be transferred to the applicant enforcement</p>	

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			authority. Nevertheless the requested enforcement authority should be able to recover the costs incurred in relation to the enforcement from the fine collected, either by it or by the national authority responsible for the collection of fines. If the fine could not be collected, the requested enforcement authority may request the reimbursement of the costs so incurred from the applicant enforcement authority.	
	Recital 8			
Y	20 (8) Enforcement authorities should inform one another of an unfair trading practice with a	(8) Enforcement authorities should inform one another <u>and the Commission through a system for</u>	(8) Enforcement authorities should inform one another of an unfair trading practice with a	Y

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	cross-border dimension that has occurred or is occurring in their territory.	<u>notifying alerts</u> of an unfair trading practice with a cross-border dimension that has occurred or is occurring in their territory.	cross-border dimension that has occurred or is occurring in their territory.	
Recital 9				
21	(9) Enforcement authorities should be empowered in their own territory and in accordance with their national law to enforce, or initiate proceedings for the enforcement of, final decisions imposing fines or other equally effective penalties on behalf of and for the account of other enforcement authorities, provided that those other enforcement authorities have made reasonable	(9) Enforcement authorities should be empowered in their own territory and in accordance with their national law to enforce, or initiate proceedings for the enforcement of, final decisions imposing fines or other equally effective penalties on behalf of and for the account of other enforcement authorities, provided that those other enforcement authorities have made reasonable	(9) Enforcement authorities should be empowered in their own territory and in accordance with their national law to enforce, or initiate proceedings for the enforcement of, final decisions imposing fines or other equally effective penalties, or interim measures on behalf of and for the account of other enforcement authorities, provided that those other enforcement authorities have	

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	efforts to ascertain that the buyers against which the fines or other equally effective penalties are to be enforced do not have sufficient assets in the Member States of those other enforcement authorities.	efforts to ascertain that the buyers against which <u>ascertained that</u> the fines or other equally effective penalties are to <u>cannot</u> be enforced do not have sufficient assets in the Member States of those other enforcement authorities.	made reasonable efforts to ascertain that the buyers against which the fines or other equally effective penalties, or the interim measures are to be enforced do not have sufficient assets in the Member States of those other enforcement authorities.	
Recital 10				
22	(10) Enforcement authorities should be able to exchange and seek information from other enforcement authorities by issuing requests for information. These requests should specify what information is considered necessary in each case to conduct	(10) Enforcement authorities should be able to exchange and seek information from other enforcement authorities by issuing requests for information. These requests should specify what information is considered necessary in each case to conduct	(10) Enforcement authorities should be able to exchange and seek information from cooperate with other enforcement authorities by issuing requests for information mutual assistance . These requests should specify what information or measure is considered necessary in each case	

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	investigations of unfair trading practices.	investigations of unfair trading practices.	to conduct investigations of unfair trading practices. To enable the requested enforcement authority to ascertain its role, the request should include all necessary information about the alleged unfair trading practice.	
Recital 10a				
Y 22a		<u>(10a) In order to increase the efficiency of cross-border cooperation between enforcement authorities, a procedural mechanism should be established to allow for the prioritisation of urgent requests. In this way, the requested enforcement authority will be better able to manage efforts to provide a response</u>		Y

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		<u><i>within the prescribed legal time limit, while respecting the principle of good cooperation and in the spirit of effective protection of the legitimate interests of the affected parties in the agricultural and food supply chain. In addition to this, it would be useful to establish a mechanism for managing subsequent requests for clarification, without retaining the 45-day time limit.</i></u>		
Recital 11				
Y 23	(11) Enforcement authorities should not be entitled to refuse to comply with a request for information or to refuse to	(11) Enforcement authorities should not be entitled to refuse to comply with a request for information or to refuse to	(11) Enforcement authorities should not be entitled to refuse to comply with a request for information or to refuse to	Y

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	participate in enforcement measures unless it is likely that enforcement actions and administrative decisions taken at national level outside the mutual assistance mechanism would ensure cessation of the unfair trading practice with a cross-border dimension. Moreover, enforcement authorities should give reasons for such a refusal.	participate in enforcement measures unless it is likely that enforcement actions and administrative decisions taken at national level outside the mutual assistance mechanism would ensure cessation of the unfair trading practice with a cross-border dimension. Moreover, enforcement authorities should give reasons for such a refusal.	participate in enforcement measures unless it is likely that other enforcement actions and , administrative decisions or judicial proceedings taken at national level outside the mutual assistance mechanism would ensure cessation of the unfair trading practice with a cross-border dimension. Refusal should also be possible in case the request falls outside the scope of the Regulation or is in contradiction with the national law of the requested enforcement authority. Moreover, enforcement authorities should give reasons for such a refusal.	

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Recital 12				
<small>G</small> 24	(12) Lack of procedural arrangements on the language regime may pose obstacles to the smooth cooperation between enforcement authorities. For this reason, rules allowing the enforcement authorities to agree on the language to be used in all notifications, requests and communications between them, as well as rules in case of disagreement among them, should be laid down.	(12) Lack of procedural arrangements on the language regime may pose obstacles to the smooth cooperation between enforcement authorities. For this reason, rules allowing the enforcement authorities to agree on the language to be used in all notifications, requests and communications between them, as well as rules in case of disagreement among them, should be laid down.	(12) Lack of procedural arrangements on the language regime may pose obstacles to the smooth cooperation between enforcement authorities. For this reason, rules allowing the enforcement authorities to agree on the language to be used in all notifications, requests and communications between them, as well as rules in case of disagreement among them, should be laid down.	(12) Lack of procedural arrangements on the language regime may pose obstacles to the smooth cooperation between enforcement authorities. For this reason, rules allowing the enforcement authorities to agree on the language to be used in all notifications, requests and communications between them, as well as rules in case of disagreement among them, should be laid down. <small>Text Origin: Commission Proposal</small>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Recital 13				
25	(13) With a view to ensuring uniform conditions for the implementation of the measures laid down in this Regulation, implementing powers should be conferred on the Commission to be able to develop standard forms for requests for information or requests for enforcement measures. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ¹ . In the absence of standard forms developed by the Commission, the enforcement authorities should be entitled to	(13) With a view to ensuring uniform conditions for the implementation of the measures laid down in this Regulation, implementing powers should be conferred on the Commission to be able to develop standard forms for requests for information, <u>requests for mutual assistance</u> or requests for enforcement measures, <u>as well as standard procedures for prioritising urgent requests and for the issuing of alerts, the transmission of notifications, communications and information among enforcement authorities</u> . Those powers should be exercised in	(13) With a view to ensuring uniform conditions for the implementation of the measures laid down in this Regulation, implementing powers should be conferred on the Commission to be able to develop standard forms for requests for information or requests for enforcement measures. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. In the absence of standard forms developed by the Commission, the enforcement authorities should be entitled to	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	<p>develop such forms to facilitate the mutual assistance mechanism.</p> <hr/> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).</p>	<p>accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁴. In the absence of standard forms developed by the Commission, the enforcement authorities should be entitled to develop such forms to facilitate the mutual assistance mechanism.</p> <hr/> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).</p>	<p>develop such forms to facilitate the mutual assistance mechanism.¹</p> <hr/> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).</p> <p>1]</p>	

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Recital 13a								
Y	25a			<u>(13a) As regards the refusal of cooperation between authorities, a mediation mechanism, coordinated or represented by the Commission, should be introduced to clarify ambiguities, to resolve potential disagreements or unjustified refusals to cooperate and to prevent blockages of the mutual assistance process.</u>				Y
Recital 14								
Y	26	(14) Where a widespread unfair trading practice with a cross-border dimension, involving at least three Member States may	(14) Where a widespread unfair trading practice with a cross-border dimension, involving at least three Member States may	(14) Where a widespread unfair trading practice with a cross-border dimension, involving buyers and suppliers from at				Y

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
	<p>be taking place, the enforcement authorities concerned by that practice should be able to issue alerts, engage in coordinated actions, and designate a coordinator to coordinate the cooperation among the relevant authorities in whose territories the practice may be taking place. To establish which enforcement authorities are concerned by a widespread unfair trading practice with a cross-border dimension, all relevant aspects should be considered, in particular the place where the buyer is established and the location of the suppliers that may be affected by the unfair trading practice. The detection of widespread unfair trading</p>	<p>be taking place, the enforcement authorities concerned by that practice should be able to issue alerts <u>through a dedicated system</u>, engage in coordinated actions, and designate a coordinator to coordinate the cooperation among the relevant authorities in whose territories the practice may be taking place. To establish which enforcement authorities are concerned by a widespread unfair trading practice with a cross-border dimension, all relevant aspects should be considered, in particular the place where the buyer is established and the location of the suppliers that may be affected by the unfair trading practice. The detection of</p>	<p>least three Member States may be taking place, the enforcement authorities concerned by that practice should be able to issue alerts, engage in coordinated actions, and designate a coordinator to coordinate the cooperation among the relevant authorities in whose territories the practice may be taking place. To establish which enforcement authorities are concerned by a widespread unfair trading practice with a cross-border dimension, all relevant aspects should be considered, in particular the place where the buyer is established and the location of the suppliers that may be affected by the unfair trading practice. The detection of</p>	

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
	practices with a cross-border dimension should be supported by exchanging information between enforcement authorities when there is a reasonable suspicion of such unfair trading practices with a cross-border dimension. The coordinator should exercise its competence within a framework of close cooperation with the other enforcement authorities concerned. Likewise, all enforcement authorities concerned should actively engage in the investigation at an early stage, and issue alerts to the Commission and to the enforcement authorities concerned by a widespread unfair trading practice with a cross-border dimension and share the	widespread unfair trading practices with a cross-border dimension should be supported by exchanging information between enforcement authorities when there is a reasonable suspicion of such unfair trading practices with a cross-border dimension. The coordinator should exercise its competence within a framework of close cooperation with the other enforcement authorities concerned. Likewise, all enforcement authorities concerned should actively engage in the investigation at an early stage, and issue alerts to the Commission and to the enforcement authorities concerned by a widespread unfair trading practice with a cross-	widespread unfair trading practices with a cross-border dimension should be supported by exchanging information between enforcement authorities when there is a reasonable suspicion of such unfair trading practices with a cross-border dimension. The coordinator should exercise its competence within a framework of close cooperation with the other enforcement authorities concerned. Likewise, all enforcement authorities concerned should actively engage in the investigation at an early stage, and issue alerts to the Commission and to the enforcement authorities concerned by a widespread unfair trading practice with a cross-	

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
	necessary information available to them about such practices.	border dimension and share the necessary information available to them about such practices.	border dimension and share the necessary information available to them about such practices.	
Recital 15				
<small>G</small> 27	(15) Procedures for the coordination of investigation and enforcement measures relating to widespread unfair trading practices with a cross-border dimension should be laid down. Coordinated actions against widespread unfair trading practices with a cross-border dimension should ensure that enforcement authorities are able to choose the most appropriate and efficient tools to stop those practices.	(15) Procedures for the coordination of investigation and enforcement measures relating to widespread unfair trading practices with a cross-border dimension should be laid down. Coordinated actions against widespread unfair trading practices with a cross-border dimension should ensure that enforcement authorities are able to choose the most appropriate and efficient tools to stop those practices.	(15) Procedures for the coordination of investigation and enforcement measures relating to widespread unfair trading practices with a cross-border dimension should be laid down. Coordinated actions against widespread unfair trading practices with a cross-border dimension should ensure that enforcement authorities are able to choose the most appropriate and efficient tools to stop those practices.	(15) Procedures for the coordination of investigation and enforcement measures relating to widespread unfair trading practices with a cross-border dimension should be laid down. Coordinated actions against widespread unfair trading practices with a cross-border dimension should ensure that enforcement authorities are able to choose the most appropriate and efficient tools to stop those practices.

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
				Text Origin: Commission Proposal
Recital 16				
28	(16) It is necessary to list the cases where a concerned enforcement authority may decide to refuse to participate in a coordinated action. In particular, lack of available resources on the part of an enforcement authority concerned by that unfair trading practice with a cross-border dimension should not be considered to justify refusing to participate in a coordinated action.	(16) It is necessary to list the cases where a concerned enforcement authority may decide to refuse to participate in a coordinated action. In particular, lack of available resources on the part of an enforcement authority concerned by that unfair trading practice with a cross-border dimension should not be considered to justify refusing to participate in a coordinated action.	(16) It is necessary to list the cases where a concerned enforcement authority may decide to refuse to participate in a coordinated action. In particular, lack of available resources on the part of an enforcement authority concerned by that unfair trading practice with a cross-border dimension should not be considered to justify refusing to participate in a coordinated action.	(16) It is necessary to list the cases where a concerned enforcement authority may decide to refuse to participate in a coordinated action. In particular, lack of available resources on the part of an enforcement authority concerned by that unfair trading practice with a cross-border dimension should not be considered to justify refusing to participate in a coordinated action.

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
				Text Origin: Commission Proposal
Recital 17				
29	(17) With a view to ensuring that the enforcement authorities concerned by the coordinated action have all the tools necessary to communicate, cooperate, and coordinate, this Regulation should lay down rules on language arrangements.	(17) With a view to ensuring that the enforcement authorities concerned by the coordinated action have all the tools necessary to communicate, cooperate, and coordinate, this Regulation should lay down rules on language arrangements.	(17) With a view to ensuring that the enforcement authorities concerned by the coordinated action have all the tools necessary to communicate, cooperate, and coordinate, this Regulation should lay down rules on language arrangements.	(17) With a view to ensuring that the enforcement authorities concerned by the coordinated action have all the tools necessary to communicate, cooperate, and coordinate, this Regulation should lay down rules on language arrangements. Text Origin: Commission Proposal
Recital 17a				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Y	29a		(17a) Since Directive (EU) 2019/633 also protects suppliers in the Union against unfair trading practices by buyers established outside the Union, this Regulation should also provide rules for the cooperation of enforcement authorities of Member States with each other as regards unfair trading practices by buyers established outside the Union and which are prohibited by Directive (EU) 2019/633.	Y
	Recital 17b			
Y	29b		(17b) With a view to ensuring uniform conditions for the implementation of the measures	Y

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
			<p>laid down in this Regulation, implementing powers should be conferred on the Commission to develop standard forms for requests for mutual assistance and to laid done rules on the management of the notifications and communications among the enforcement authorities. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <hr/> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by</p>	

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
			Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).	
Recital 18				
<small>G</small> 30	(18) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and present in the constitutional traditions of the Member States. Accordingly, this Regulation should be interpreted and applied in accordance with those rights and principles.	(18) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and present in the constitutional traditions of the Member States. Accordingly, this Regulation should be interpreted and applied in accordance with those rights and principles.	(18) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and present in the constitutional traditions of the Member States. Accordingly, this Regulation should be interpreted and applied in accordance with those rights and principles.	(18) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and present in the constitutional traditions of the Member States. Accordingly, this Regulation should be interpreted and applied in accordance with those rights and principles. <small>G</small>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Recital 19				
Y 31	(19) Criminal investigations and judicial proceedings in Member States should not be affected by the application of this Regulation.	(19) Criminal investigations and judicial proceedings in Member States should not be affected by the application of this Regulation.	(19) Criminal investigations and judicial proceedings in Member States should not be affected by the application of this Regulation. Likewise, Council Decision 2008/976/JHA, Framework Decision 2005/214/JHA and Directive 2014/41/EU should have precedence over this Regulation if the unfair trading practice concerned falls under their scope.	Y
Recital 20				

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
32	<p>(20) Since the objective of this Regulation, namely cooperation between the enforcement authorities responsible for the enforcement of the prohibition of unfair trading practices under Directive (EU) 2019/633, cannot be sufficiently achieved by the Member States because they cannot ensure cooperation and coordination by acting alone, but can rather, by reason of its territorial and personal scope, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that</p>	<p>(20) Since the objective of this Regulation, namely cooperation between the enforcement authorities responsible for the enforcement of the prohibition of unfair trading practices under Directive (EU) 2019/633, cannot be sufficiently achieved by the Member States because they cannot ensure cooperation and coordination by acting alone, but can rather, by reason of its territorial and personal scope, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that</p>	<p>(20) Since the objective of this Regulation, namely to strengthen the cooperation between the enforcement authorities responsible for the enforcement of the prohibition of unfair trading practices under Directive (EU) 2019/633 in cross border cases, cannot be sufficiently achieved by the Member States because they cannot ensure cooperation and coordination by acting alone, but can rather, by reason of its territorial and personal scope, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of</p>	

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
	Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	
Recital 21				
Y	33 (21) In order to give the enforcement authorities the time needed to be able to implement the rules laid down in this Regulation, its application should be deferred by 1 year after its entry into force,	(21) In order to give the enforcement authorities the time needed to be able to implement the rules laid down in this Regulation, its application should be deferred by 1 year after its entry into force,	(21) In order to give the enforcement authorities the time needed to be able to implement the rules laid down in this Regulation, its application should be deferred by 1 year 18 months after its entry into force,	Y
Formula				
G	34 HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	G HAVE ADOPTED THIS REGULATION:

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
				Text Origin: Commission Proposal
CHAPTER I				
<small>G</small> 35	CHAPTER I INTRODUCTORY PROVISIONS	CHAPTER I INTRODUCTORY PROVISIONS	CHAPTER I INTRODUCTORY PROVISIONS	CHAPTER I INTRODUCTORY PROVISIONS Text Origin: Commission Proposal
Article 1				
<small>G</small> 36	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 1, first paragraph				
37	<p>This Regulation lays down certain rules under which the enforcement authorities, having been designated by their Member States as responsible for the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain under Directive (EU) 2019/633, cooperate and coordinate actions with each other.</p>	<p><u><i>With a view to combating practices that grossly deviate from good commercial conduct, that are contrary to good faith and fair dealing and that are unilaterally imposed by one trading partner on another,</i></u> this Regulation lays down certain rules under which the enforcement authorities, having been designated by their Member States as responsible for the enforcement of the prohibition of unfair trading practices in business-to-business</p>	<p>This Regulation lays down certain rules under which the enforcement authorities, having been designated by their Member States as responsible for the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain under Directive (EU) 2019/633, cooperate and coordinate actions with each other.</p>	<p><u><i>With a view to combating practices that grossly deviate from good commercial conduct, that are contrary to good faith and fair dealing and that are unilaterally imposed by one trading partner on another,</i></u> this Regulation lays down certain rules under which the enforcement authorities, having been designated by their Member States as responsible for the enforcement of the prohibition of unfair trading practices in business-to-business</p>

	CLEAN	Commission Proposal	vs.EC EP Mandate	vs.EC Council Mandate	vs.EC Draft Agreement
			relationships in the agricultural and food supply chain under Directive (EU) 2019/633, cooperate and coordinate actions with each other <u>and with the Commission, in order to ensure compliance, to safeguard sound competition and to maintain a level playing field in the internal market.</u>		relationships in the agricultural and food supply chain under Directive (EU) 2019/633, cooperate and coordinate actions with each other, <u>in order to ensure the effectiveness of that Directive.</u> Text Origin: EP Mandate
Article 2					
38	Scope	Article 2	Article 2	Article 2	Article 2 Scope Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 2(1), first subparagraph				
39	<p>1. This Regulation applies to the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain laid down in Article 3(1) and (2) of Directive (EU) 2019/633 with a cross-border dimension.</p>	<p>1. This Regulation applies to the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain laid down in Article 3(1) and (2) of Directive (EU) 2019/633 with a cross-border dimension, <u>including when those unfair trading practices originate from operators whose practices have an inherent cross-border component, such as those of retail alliances.</u></p>	<p>1. This Regulation applies to the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain laid down in Article 3(1) and (2) of Directive (EU) 2019/633 with a cross-border dimension which occur in relation to sales of agricultural and food products between buyers and suppliers referred to in Article 1(2) of Directive (EU) 2019/633.</p>	<p>1. This Regulation applies to the enforcement of the prohibition of unfair trading practices in business-to-business relationships in the agricultural and food supply chain laid down in Article 3(1) and (2) of Directive (EU) 2019/633 with a cross-border dimension <u>which occur in relation to sales of agricultural and food products between buyers and suppliers referred to in Article 1(2) of Directive (EU) 2019/633.</u></p> <p>Text Origin: Council Mandate</p>
Article 2(1), second subparagraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
40	<p>However, Article 5 of this Regulation also applies in relation to national rules within the meaning of Article 9 of Directive (EU) 2019/633 if the Member State so decides in accordance with paragraph 4 of that Article.</p>	<p>However, Article 5 <u>Articles 5, 6 and 7</u> of this Regulation also applies <u>apply</u> in relation to national rules within the meaning of Article <u>3(1), point (b), and Article 9</u> of Directive (EU) 2019/633 if the in <u>cases involving</u> Member State so decides <u>States where those Member States mutually so decided</u> in accordance with paragraph 4 of that <u>Article 5(4), Article 6(3a) and Article 7(4a) of this Regulation.</u></p>	<p>However, Article 5 of this Regulation also applies in relation to national rules adopted on the basis within the meaning of Article 9 3(1), point (b), third sentence or maintained or adopted on the basis of Article 9(1) of Directive (EU) 2019/633 if the Member State so decides in accordance with paragraph 4 of that Article 5(4) of this Regulation. Article 20a of this Regulation applies in relation to unfair trading practices involving buyers established outside the Union.</p>	<p>However, Article 5 <u>Chapter IIIa</u> of this Regulation also applies in relation to <u>periods set on the basis of Article 3(1), point (b), third sentence or</u> national rules within the meaning <u>maintained or adopted on the basis</u> of Article 99(1) <u>99(1)</u> of Directive (EU) 2019/633 if the Member State so decides in accordance with paragraph 4 of that <u>Article 12a and Article 12b of this Regulation.</u> <u>Chapter IVa of this Regulation applies in relation to unfair trading practices involving suppliers or buyers established outside the Union.</u></p> <p>Text Origin: Council Mandate</p>

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
Article 2(2)				
41	2. This Regulation is without prejudice to the Union and national rules on private international law, in particular rules related to court jurisdiction and applicable laws.	2. This Regulation is without prejudice to the Union and national rules on private international law, in particular rules related to court jurisdiction and applicable laws.	2. This Regulation is without prejudice to the Union and national rules on private international law, in particular rules related to court jurisdiction and applicable laws.	2. This Regulation is without prejudice to the Union and national rules on private international law, in particular rules related to court jurisdiction and applicable laws. <small>Text Origin: Commission Proposal</small>
Article 2(3)				
42	3. This Regulation is without prejudice to the application in the Member States of measures relating to judicial cooperation in civil and criminal matters, in	3. This Regulation is without prejudice to the application in the Member States of measures relating to judicial cooperation in civil and criminal matters, in	3. This Regulation is without prejudice to the application in the Member States of measures relating to judicial cooperation in civil and criminal matters, in	3. This Regulation is without prejudice to the application in the Member States of measures relating to judicial cooperation in civil and criminal matters, in

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	<p>particular the operation of the European Judicial Network established by Council Decision 2008/976/JHA¹.</p> <p>_____</p> <p>1. Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130, ELI: http://data.europa.eu/eli/dec/2008/976/oj).</p>	<p>particular the operation of the European Judicial Network established by Council Decision 2008/976/JHA¹.</p> <p>_____</p> <p>1. Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130, ELI: http://data.europa.eu/eli/dec/2008/976/oj).</p>	<p>particular the operation of the European Judicial Network established by Council Decision 2008/976/JHA¹⁶ and to the application of Council Framework Decision 2005/214/JHA⁷ and of Directive 2014/41/EU^{7a}.</p> <p>_____</p> <p>1. Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130, ELI: http://data.europa.eu/eli/dec/2008/976/oj).</p>	<p>particular the operation of the European Judicial Network established by Council Decision 2008/976/JHA¹⁶ <u>and to the application of Council Framework Decision 2005/214/JHA⁷ and of Directive 2014/41/EU^{7a}</u>.</p> <p>_____</p> <p>1. Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130, ELI: http://data.europa.eu/eli/dec/2008/976/oj).</p> <p>Text Origin: Council Mandate</p>
Article 3				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 43	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions Text Origin: Commission Proposal
Article 3, first paragraph				
G 44	For the purposes of this Regulation, the definitions referred to in Article 2 of Directive (EU) 2019/633 apply. In addition, the following definitions apply:	For the purposes of this Regulation, the definitions referred to in Article 2 of Directive (EU) 2019/633 apply. In addition, the following definitions apply:	For the purposes of this Regulation, the definitions referred to in Article 2 of Directive (EU) 2019/633 apply. In addition, the following definitions apply:	For the purposes of this Regulation, the definitions referred to in Article 2 of Directive (EU) 2019/633 apply. In addition, the following definitions apply: Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 3, first paragraph, point (a)				
45	(a) ‘enforcement authority’ means the national authority or national authorities designated by a Member State pursuant to Article 4(1) of Directive (EU) 2019/633;	(a) ‘enforcement authority’ means the national authority or national authorities designated by a Member State pursuant to Article 4(1) of Directive (EU) 2019/633;	(a) ‘enforcement authority’ means the a national authority or national authorities designated by a Member State pursuant to Article 4(1) of Directive (EU) 2019/633;	(a) enforcement authority’ means the a national authority or national authorities designated by a Member State pursuant to Article 4(1) of Directive (EU) 2019/633; Text Origin: Council Mandate
Article 3, first paragraph, point (b)				
46	(b) ‘applicant enforcement authority’ means the enforcement authority that makes a request for mutual assistance;	(b) ‘applicant enforcement authority’ means the enforcement authority that makes a request for mutual assistance;	(b) ‘applicant enforcement authority’ means the an enforcement authority that makes a request for mutual assistance;	(b) ‘applicant enforcement authority’ means the an enforcement authority that makes a request for mutual assistance;

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Council Mandate
Article 3, first paragraph, point (c)				
G 47	(c) 'requested enforcement authority' means the enforcement authority that receives a request for mutual assistance;	(c) 'requested enforcement authority' means the enforcement authority that receives a request for mutual assistance;	(c) 'requested enforcement authority' means the enforcement authority that receives a request for mutual assistance;	(c) 'requested enforcement authority' means the enforcement authority that receives a request for mutual assistance; Text Origin: Commission Proposal
Article 3, first paragraph, point (d)				
G 48	(d) 'unfair trading practice with a cross-border dimension' means any unfair trading practice within the meaning of Directive (EU) 2019/633 involving one	(d) 'unfair trading practice with a cross-border dimension' means any unfair trading practice within the meaning of Directive (EU) 2019/633 involving one	(d) 'unfair trading practice with a cross-border dimension' means any an unfair trading practice within the meaning of Directive (EU) 2019/633	(d) 'unfair trading practice with a cross-border dimension' means any <u>an</u> unfair trading practice within the meaning of <u>Directive (EU) 2019/633</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	supplier and one buyer that are located in different Member States;	supplier and one buyer that are located in <u>at least two</u> different Member States <u>or involving one supplier or buyer that is located within the Union and one supplier or buyer that is located outside the Union, or involving any unfair trading practice covered by stricter national rules that qualify as overriding mandatory provisions within the meaning of Article 9 of Regulation (EC) No 593/2008;</u>	involving one supplier and one buyer that are located in established in two different Member States;	involving one supplier and one buyer that are located in established in two different Member States; Text Origin: Council Mandate
Article 3, first paragraph, point (e)				
G 49	(e) ‘widespread unfair trading practice with a cross-border dimension’ means any unfair trading practice within the	(e) ‘widespread unfair trading practice with a cross-border dimension’ means any unfair trading practice within the	(e) ‘widespread unfair trading practice with a cross-border dimension’ means any an unfair trading practice within the	(e) ‘widespread unfair trading practice with a cross-border dimension’ means any an unfair trading practice within the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	meaning of Directive (EU) 2019/633 involving at least three Member States;	meaning of Directive (EU) 2019/633 involving <u>parties</u> <u>located in</u> at least three Member States <u>or parties located in at least</u> <u>two Member States and outside</u> <u>the Union</u> ;	meaning of Directive (EU) 2019/633 involving suppliers and buyers established in at least three Member States;	meaning of Directive (EU) 2019/633 involving <u>suppliers and</u> <u>buyers established in</u> at least three Member States; Text Origin: Council Mandate
Article 3, first paragraph, point (f)				
G 50	(f) ‘final decision’ means a decision that cannot be, or that can no longer be, appealed by ordinary means.	(f) ‘final decision’ means a decision that cannot be, or that can no longer be, appealed by ordinary means.	(f) ‘final decision’ means a decision that cannot be, or that can no longer be, appealed by ordinary means.	(f) ‘final decision’ means a decision that cannot be, or that can no longer be, appealed by ordinary means. Text Origin: Commission Proposal
Article 3, first paragraph, point (fa)				

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	50a			<u>(fa) 'EU Responsible Person' means any natural or legal person established within the Union who is designated by a buyer located outside the Union to act on the buyer's behalf in relation to the obligations set out under Directive (EU) 2019/633 and this Regulation.</u>				G
	Article 3a							
G	50b			<u>Article 3a</u> <u>General principle</u>			<u>Article 3a</u> <u>General principle</u> Text Origin: EP Mandate	G
	Article 3 a, first paragraph							

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 50c		<u><i>1 Member States shall take appropriate administrative and judicial steps to prevent or stop the unfair trading practices referred to in Article 3(1) and (2) of Directive (EU) 2019/633 that have a cross-border dimension and that are performed in whole or in part on their respective territories.</i></u>		<u><i>1 The enforcement authorities shall cooperate with each other in order to prevent or stop unfair trading practices with a cross-border dimension on their territories.</i></u> Text Origin: EP Mandate
CHAPTER II				
G 51	CHAPTER II RESOURCES AND EXPERTISE	CHAPTER II RESOURCES AND EXPERTISE	CHAPTER II RESOURCES AND EXPERTISE	CHAPTER II RESOURCES AND EXPERTISE Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 4				
52	Article 4 Resources and expertise	Article 4 Resources and expertise	Article 4 Resources and expertise	Article 4 Resources and expertise Text Origin: Commission Proposal
Article 4, first paragraph				
53	Member States shall ensure that enforcement authorities have the necessary resources and expertise for the application of this Regulation.	Member States shall ensure that enforcement authorities have the necessary <u>resources, including technical, financial and human</u> resources, and expertise <u>necessary</u> for the application of this Regulation <u>and for promoting awareness of the rights and obligations that it lays down,</u>	Member States shall ensure that enforcement authorities have the necessary resources and expertise for the application of this Regulation.	Member States shall ensure that enforcement authorities have the necessary resources and expertise for the application of this Regulation <u>and for promoting awareness among buyers and suppliers of the provisions it lays down.</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>including making available clear, accessible and detailed information about its provisions to persons concerned and providing to them the advisory services needed for its application.</u>				Text origin: Council and EP mandate
Article 4a								
G	53a			<u>Article 4a</u> <u>Implementation and confidentiality of information</u>		Article 4a Confidentiality of information		<u>Article 4a</u> <u>Confidentiality of information</u> Text Origin: Council Mandate
Article 4a, first paragraph								

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
53b		<u>1</u> <u>Member States shall ensure that enforcement authorities do not impose any charges on suppliers for submitting a complaint regarding an unfair trading practice with a cross-border dimension.</u>		Text origin: Council mandate/Commission proposal
Article 4a, second paragraph				
53c		<u>2</u> <u>For the purposes of this Regulation, the enforcement authorities shall have the power to provide one another with information and use in evidence any fact or matter of law, including confidential information.</u>	1. For the purposes of this Regulation, the enforcement authorities shall have the power to provide one another with information and use in evidence any matter of fact or of law, including confidential information.	<u>1.</u> <u>For the purposes of this Regulation, the enforcement authorities shall have the power to provide one another with information and use in evidence any matter of fact or of law, including confidential information.</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Council and EP Mandate
Article 4a, third paragraph				
G 53d		<u>3</u> <u>Information exchanged shall only be used for the purpose for which it was collected by the requested enforcement authority. It shall only be used in evidence for the purpose of applying this Regulation.</u>	2. Information exchanged shall only be used in evidence for the purpose of applying this Regulation and in respect of the subject-matter for which it was collected by the requested enforcement authority.	<u>2.</u> <u>Information exchanged shall only be used in evidence for the purpose of applying this Regulation and in respect of the subject-matter for which it was collected by the requested enforcement authority.</u> Text Origin: Council Mandate
Article 4a, forth paragraph				
G 53e		<u>4</u> <u>When using information provided pursuant to paragraph</u>	3. The information provided pursuant to paragraph	<u>3.</u> <u>The information provided pursuant to paragraph 1 shall</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>2, enforcement authorities shall have due regard to the legitimate interests of natural or legal persons, including protection of trade secrets and intellectual property rights.</u>	1 shall only be used by the enforcement authorities with due regard to the legitimate interests of a natural person or legal person, including protection of trade secrets and intellectual property rights.	<u>only be used by the enforcement authorities with due regard to the legitimate interests of a natural person or legal person, including protection of trade secrets and intellectual property rights.</u> Text Origin: Council Mandate
Article 4a, fifth paragraph				
G 53f		<u>5 In cases where a complainant requests the protection of information, including the protection of the identity of the complainant, pursuant to Article 5(3) of Directive (EU) 2019/633, the enforcement authority receiving</u>	4. In cases where a complainant requests the protection of information pursuant to Article 5(3) of Directive 2019/633, the enforcement authority receiving the complaint shall ask for the agreement of the complainant to	<u>4. In cases where a complainant requests the protection of information pursuant to Article 5(3) of Directive 2019/633, the enforcement authority receiving the complaint shall ask for the agreement of the complainant to</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>the complaint shall ask for the agreement of the complainant to provide the protected information to another enforcement authority.</u>	provide the protected information to another enforcement authority.	<u>provide the protected information to another enforcement authority.</u> Text Origin: Council and EP Mandate
Article 4b				
G 53g		<u>Article 4b</u> <u>EU Responsible Person</u>		G
Article 4b, first paragraph				
G 53h		<u>1 Buyers located outside the Union shall designate an EU Responsible Person before entering into a contractual relation on agricultural and food products within the meaning of</u>		G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>Article 1(2) of Directive (EU) 2019/633 with a supplier located within the Union.</u>		
Article 4b, second paragraph				
G 53i		<u>2 The terms of the designation shall constitute the EU Responsible Person's mandate. That mandate shall be valid from the moment that it is accepted in writing by the EU Responsible Person until its expiration or termination.</u>		G
Article 4b, third paragraph				
G 53j		<u>3 The EU Responsible Person shall perform the tasks specified in the mandate agreed</u>		G

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>with the buyer. The EU Responsible Person shall provide a copy of the mandate to the enforcement authority, upon request. The mandate shall include at least the following tasks:</u>				
Article 4b, third paragraph, point a								
G	53k			<u>(a) to act as the primary point of contact for enforcement authorities and the Commission;</u>				
Article 4b, third paragraph, point b								
G	53l			<u>(b) to assume full financial and legal liability for the buyer's compliance with the obligations</u>				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u><i>set out in Directive (EU) 2019/633 and in this Regulation;</i></u>		
Article 4b, third paragraph, point c				
G	53m	<u><i>(c) to maintain up-to-date records of the transactions in the Union of the buyer established outside the Union;</i></u>		G
Article 4b, third paragraph, point d				
G	53n	<u><i>(d) to facilitate investigations, including providing documents, data and testimony to enforcement authorities or the Commission;</i></u>		G
Article 4b, third paragraph, point e				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G	53o	<u>(e) to ensure compliance with final decisions, fines or penalties issued under the framework of Directive (EU) 2019/633 and of this Regulation;</u>		
Article 4b, third paragraph, point f				
G	53p	<u>(f) to terminate the mandate if the buyer acts contrary to its obligations set out in Directive (EU) 2019/633 and in this Regulation; the buyer shall ensure that the EU Responsible Person complies with the terms of its mandate in respect of those minimum required tasks.</u> <u>An EU Responsible Person who terminates its mandate on the</u>		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>ground referred to in paragraph 3, point (f), shall immediately inform the enforcement authority of the Member State in which it is established of the termination of the mandate and of the reasons therefor.</u>		
Article 4b, fourth paragraph				
G 53q		<u>4. When an unfair trading practice within the meaning of Article 3 of Directive (EU) 2019/633 is committed by a buyer established outside the Union, the EU Responsible Person may be held jointly and severally liable for the fines imposed on the person who designated it.</u>		G

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
CHAPTER III								
G	54	CHAPTER III MUTUAL ASSISTANCE MECHANISM		CHAPTER III MUTUAL ASSISTANCE MECHANISM		CHAPTER III MUTUAL ASSISTANCE MECHANISM		CHAPTER III MUTUAL ASSISTANCE MECHANISM Text Origin: Commission Proposal
Article 5								
G	55	Article 5 Requests for information		Article 5 Requests for information		Article 5 Requests for information		Article 5 Requests for information Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 5(1)				
56	<p>1. At the request of an applicant enforcement authority, a requested enforcement authority shall, without delay, and within 60 days unless otherwise agreed, provide the applicant enforcement authority with the information requested to establish whether an unfair trading practice in the Member State of the applicant enforcement authority with a cross-border dimension has occurred or is occurring.</p>	<p>1. At the request of an applicant enforcement authority, a requested enforcement authority shall, without delay, and within 60 <u>45</u> <u>days unless otherwise agreed</u> <u>days from the date of receiving the request</u>, provide the applicant enforcement authority with the information requested to establish whether an unfair trading practice in the Member State of the applicant enforcement authority with a cross-border dimension has occurred or is occurring. <u>Where the applicant enforcement authority and the requested enforcement authority agree to an extension of that period of 45</u></p>	<p>1. At the request of an applicant enforcement authority, a requested enforcement authority shall, without delay, and within 60 <u>90</u> days unless otherwise agreed, provide the applicant enforcement authority with the information requested to establish whether an unfair trading practice with a cross-border dimension has occurred or is occurring in the Member State of the applicant enforcement authority with a cross-border dimension has occurred or is occurring.</p>	<p>1. At the request of an applicant enforcement authority, a requested enforcement authority shall, without delay, and within 60 <u>90</u> <u>days unless otherwise agreed</u> <u>days</u>, provide the applicant enforcement authority with the information requested to establish whether an unfair trading practice in the Member State of the applicant enforcement authority with a cross-border dimension has occurred or is occurring <u>in the Member State of the applicant enforcement authority. Where the applicant enforcement authority and the requested enforcement authority agree to an extension of</u></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>days, it may be extended by an additional period of 45 days.</u>		<u>that period of 90 days, it may be extended by an additional period of 30 days.</u> Text Origin: Council and EP Mandate
Article 5(2)				
57	2. The applicant enforcement authority shall, when sending a request for information to the requested enforcement authority, state as legal basis this Regulation, the national law transposing Directive (EU) 2019/633, and the corresponding provisions of Directive (EU) 2019/633, the	2. The applicant enforcement authority shall, when sending a request for information to the requested enforcement authority, state as legal basis this Regulation, the national law transposing Directive (EU) 2019/633, and the corresponding provisions of Directive (EU) 2019/633, the	2. The applicant enforcement authority shall, when sending a request for information to Where the requested enforcement authority, state as legal basis this Regulation, the national law transposing Directive (EU) 2019/633, and the corresponding provisions of Directive (EU) 2019/633, the purpose is not in	2. The applicant enforcement authority shall, when sending a request for information to Where the requested enforcement authority, state as legal basis this Regulation, the national law transposing Directive (EU) 2019/633, and the corresponding provisions of Directive (EU) 2019/633, the purpose is not fully

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	purpose of the request, and specify what information is required.	purpose of the request, and specify what information is required.	possession of the request, and specify what information is required requested, the reply referred to in paragraph 1 may be limited to stating the absence of such information. The requested enforcement authority may still decide to collect that information.	<u>in possession</u> of the request, and specify what <u>information requested, the reply referred to in paragraph 1 may contain only partial information or be limited to stating the absence of such</u> information is required <u>indicating the reason for such a reply. The requested enforcement authority may still decide to collect the missing information, in which case it shall inform the applicant enforcement authority of its decision and share the information collected with that authority.</u> Text origin: Council mandate

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 5(3)				
G 58	3. The information provided shall only be collected by the requested enforcement authority and used by the applicant enforcement authority in accordance with their national law.	3. The information provided shall only be collected by the requested enforcement authority and used by the applicant enforcement authority in accordance with their <u>respective</u> national law <u>laws and with Regulation (EU) 2016/679</u> .	3. The information to be provided shall only be collected by the requested enforcement authority and used by the applicant enforcement authority in accordance with their respective national law.	3. The information <u>to be</u> provided shall only be collected by the requested enforcement authority and used by the applicant enforcement authority in accordance with their <u>respective</u> national law. Text Origin: Council Mandate
Article 5(4), first subparagraph				
G 59	4. Member States may decide that enforcement authorities can make use of the possibilities referred to in this Article in relation to national rules	4. Member States may decide that enforcement authorities can make use of the possibilities referred to in this Article in relation to national rules	4. Member States may decide that enforcement authorities can make use of the possibilities referred to in this Article in relation to national rules	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	within the meaning of Article 9 of Directive (EU) 2019/633.	within the meaning of Article <u>3(1), point (b), and Article 9</u> of Directive (EU) 2019/633 <u>that do not qualify as overriding mandatory provisions within the meaning of Article 9 of Regulation (EC) No 593/2008.</u>	within the meaning adopted on the basis of Article 93(1), point (b), third sentence or on the basis of Article 9(1) of Directive (EU) 2019/633.	
Article 5(4), subparagraph 1 a				
59a		<u>When an applicant enforcement authority makes use of the possibility provided for in subparagraph 1, it shall cite this Regulation as a legal basis, as well as the national law laying down the prohibition of the unfair trading practice concerned. It shall also state the purpose of the request, specify</u>	When an applicant enforcement authority makes use of the possibility provided in subparagraph 1, it shall:	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u><i>what information is required and describe the unfair trading practice concerned.</i></u>		
Article 5(4), first subparagraph a, point (a)				
g 59b			(a) state this Regulation as legal basis;	g
Article 5(4), first subparagraph a, point (b)				
g 59c			(b) indicate the national law laying down the prohibition of the unfair trading practice concerned that goes beyond Directive (EU) 2019/633, and if that national law is based on Article 3(1), point (b), third sentence or Article 9(1) of Directive (EU) 2019/633;	g

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 5(4), first subparagraph a, point (c)				
G	59d		(c) describe the purpose of the request;	G
Article 5(4), first subparagraph a, point (d)				
G	59e		(d) describe the unfair trading practice concerned and specify how this goes beyond the Directive (EU) 2019/633;	G
Article 5(4), first subparagraph a, point (e)				
G	59f		(e) specify what information is required.	G
Article 5(4), second subparagraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
60	When an applicant enforcement authority makes use of the possibility provided in subparagraph 1, the requested enforcement authority may refuse to provide information, indicating the reasons for the refusal.	When an applicant enforcement authority makes use of the possibility provided <u>for</u> in subparagraph 1, the requested enforcement authority may <u>provide only partial information or</u> refuse to provide information. <u>In such case, the requested enforcement authority shall duly justify</u> indicating the reasons for the <u>incomplete response or for the</u> refusal <u>in a reasoned and objective reply. That reply shall be sent to the applicant enforcement authority within 45 days of the submission of its request.</u>	When an applicant enforcement authority makes use of the possibility provided in subparagraph 1, the requested enforcement authority may refuse to provide information, indicating the reasons for the refusal. In this case, Article 10 shall not apply.	
Article 5(4a)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
60a		<u><i>4a In order to increase the efficiency of cross-border cooperation between enforcement authorities in the field of combating unfair commercial practices, a special procedural mechanism shall be established to enable urgent requests submitted by competent authorities in other Member States to be prioritised.</i></u>		Text origin: Council mandate/Commission proposal
Article 5(4b)				
60b		<u><i>4b The Commission may adopt implementing acts laying down the special procedural mechanism for the prioritisation of urgent requests provided for in paragraph 4a. Those implementing acts shall be</i></u>		Text origin: Council mandate/Commission proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u><i>adopted in accordance with the examination procedure referred to in Article 21.</i></u>		
Article 6				
G 61	Article 6 Requests for enforcement measures	Article 6 Requests for enforcement measures	Article 6 Requests for enforcement investigative measures	Article 6 Requests for enforcement <u><i>investigative</i></u> measures Text Origin: Council Mandate
Article 6(1)				
G 62	1. At the request and on behalf of an applicant enforcement authority, the requested enforcement authority shall	1. At the request and on behalf of an applicant enforcement authority, the requested enforcement authority shall	1. At the request and on behalf of an applicant enforcement authority, the requested enforcement authority shall	1. At the request and on behalf of an applicant enforcement authority, the requested enforcement authority shall

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	exercise, in accordance with the national rules of its Member State, the powers set out in Article 6(1), first subparagraph, points (a), (b) and (c), of Directive (EU) 2019/633.	exercise, in accordance with the national rules of its Member State, the powers set out in Article 6(1), first subparagraph, points (a), (b), <u>(c) and (d)</u> and (e) , of Directive (EU) 2019/633.	exercise conduct investigative measures , in accordance with the national rules of its Member State, the powers set out in Article 6(1), first subparagraph, points (a), (b) and (c), of Directive (EU) 2019/633 and with its national law.	exereise <u>conduct investigative measures</u> , in accordance with the national rules of its Member State, the powers set out in Article 6(1), first subparagraph, points (a), (b) and (c), of Directive (EU) 2019/633 <u>and with its national law, in order to determine whether an unfair trading practice with a cross-border dimension has occurred or is occurring.</u> Text Origin: Council mandate
Article 6(2)				
G 63	2. When a requested enforcement authority exercises	2. When a requested enforcement authority exercises	2. When a requested enforcement authority exercises	2. When a requested enforcement authority exercises

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	<p>the powers set out in Article 6(1), first subparagraph, points (a), (b) and (c), of Directive (EU) 2019/633 at the request and on behalf of an applicant enforcement authority, officials and other accompanying persons authorised or appointed by the applicant enforcement authority shall be permitted to attend and assist the requested enforcement authority, under the supervision of the officials of the requested enforcement authority.</p>	<p>the powers set out in Article 6(1), first subparagraph, points (a), (b), <u>(c) and (d)</u> and (e), of Directive (EU) 2019/633 at the request and on behalf of an applicant enforcement authority, officials and other accompanying persons authorised or appointed by the applicant enforcement authority shall be permitted to attend and assist the requested enforcement authority, under the supervision of the officials of the requested enforcement authority.</p>	<p>the powers set out in Article 6(1), first subparagraph, points (a), (b) and (c), of Directive (EU) 2019/633 at the request and on behalf of an applicant enforcement authority, officials and other accompanying persons authorised or appointed by the applicant enforcement authority shall be permitted to attend and assist the requested enforcement authority, upon informing the requested enforcement authority in advance and under the supervision of the officials of the requested enforcement authority.</p>	<p>the powers set out in Article 6(1), first subparagraph, points (a), (b) and (c), of Directive (EU) 2019/633 at the request and on behalf of an applicant enforcement authority, officials and other accompanying persons authorised or appointed by the applicant enforcement authority shall be permitted to attend and assist the requested enforcement authority, <u>upon informing the requested enforcement authority in advance and</u> under the supervision of the officials of the requested enforcement authority.</p> <p>Text Origin: Council Mandate</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 6(3)				
G 64	3. The requested enforcement authority shall inform the applicant enforcement authority about the steps and measures taken and the steps and measures that it intends to take.	3. The requested enforcement authority shall inform the applicant enforcement authority <u>without delay</u> about the steps and measures taken and the steps and measures that it intends to take.	3. The requested enforcement authority shall inform the applicant enforcement authority about the steps and measures taken and the steps and measures that it intends to take.	3. The requested enforcement authority shall inform the applicant enforcement authority <u>without delay</u> about the steps and measures taken and the steps and measures that it intends to take. Text Origin: EP Mandate
Article 6(3a)				
G 64a		<u>3a. Member States may decide that enforcement authorities can make use of the possibilities referred to in this Article in relation to national</u>		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>rules within the meaning of Article 3(1), point (b), and Article 9 of Directive (EU) 2019/633 that do not qualify as overriding mandatory provisions within the meaning of Article 9 of Regulation (EC) No 593/2008.</u>		
Article 7				
65	<p>Article 7</p> <p>Requests for the enforcement of decisions imposing fines or other equally effective penalties and interim measures</p>	<p>Article 7</p> <p>Requests for the enforcement of decisions imposing fines or other equally effective penalties and interim measures</p>	<p>Article 7</p> <p>Requests for the enforcement of decisions imposing fines or other equally effective penalties and interim measures</p>	<p>Article 7</p> <p>Requests for the enforcement of decisions imposing fines or other equally effective penalties and interim measures</p> <p>Text Origin: Commission Proposal</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 7(1)				
66	<p>1. At the request of an applicant enforcement authority, the requested authority shall enforce, in accordance with its national law, final decisions imposing fines or other equally effective penalties and interim measures adopted in accordance with Article 6(1), first subparagraph, point (e), of Directive (EU) 2019/633.</p>	<p>1. At the request of an applicant enforcement authority, the requested authority shall enforce, <u>without delay and</u> in accordance with its national law, final decisions imposing fines or other equally effective penalties and interim measures adopted in accordance with Article 6(1), first subparagraph, point (e), of Directive (EU) 2019/633 <u>by the Member State of the applicant enforcement authority</u>.</p>	<p>1. At the request of an applicant enforcement authority, the requested enforcement authority shall enforce, in accordance with its national law, enforce or initiate proceedings for the enforcement of final decisions imposing fines or other equally effective penalties and interim measures adopted in accordance with Article 6(1), first subparagraph, point (e), of Directive (EU) 2019/633 by the Member State of the applicant enforcement authority.</p>	<p>1. At the request of an applicant enforcement authority, the requested <u>enforcement</u> authority shall enforce, in accordance with its national law, <u>enforce or initiate, without delay, the proceedings for the enforcement of</u> final decisions imposing fines or other equally effective penalties and interim measures adopted in accordance with Article 6(1), first subparagraph, point (e), of Directive (EU) 2019/633 <u>by the Member State of the applicant enforcement authority</u>.</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Council Mandate
Article 7(1a)				
G 66a		<u>1a. Fines imposed in the framework of Directive (EU) 2019/633 and of this Regulation on buyers established outside the Union may be enforceable against their EU Responsible Persons.</u>		
Article 7(2)				
G 67	2. Paragraph 1 shall apply only to the extent that, after having made reasonable efforts in its own territory, the applicant enforcement authority has ascertained that the buyer against	2. Paragraph 1 shall apply only to the extent that, after having made reasonable efforts in its own territory, the applicant enforcement authority has ascertained that the buyer against	2. Paragraph 1 shall apply only to the extent that, after having made reasonable efforts in its own territory, the applicant enforcement authority has ascertained that the buyer against	2. Paragraph 1 shall apply only to the extent that, after having made reasonable efforts in its own territory, the applicant enforcement authority has ascertained that the buyer against

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	which the fine and the other penalties and interim measures are enforceable does not have sufficient assets in the territory of its Member State.	which the fine and the other penalties and interim measures are <u>not</u> enforceable does not have sufficient assets in the territory of its <u>the</u> Member State <u>of the applicant enforcement authority</u> .	which the fine and the other equally effective penalties and interim measures are enforceable does not have sufficient assets in the territory of its <u>the</u> Member State of the applicant enforcement authority .	which the fine and the other <u>equally effective</u> penalties and interim measures are enforceable does not have sufficient assets in the territory of its <u>the</u> Member State <u>of the applicant enforcement authority</u> . Text Origin: Council Mandate
Article 7(2a)				
G 67a		<u>2a. This Regulation shall be without prejudice to national rules laying down sanctions and penalties for engaging in unfair trading practices, as provided for in Directive (EU) 2019/633.</u>		Text origin: Council mandate/Commission proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 7(3)				
G 68	3. The applicant enforcement authority may request only the enforcement of a final decision.	3. The applicant enforcement authority may request only the enforcement of a final decision.	3. The applicant enforcement authority may request only the enforcement of a final decision.	3. The applicant enforcement authority may request only the enforcement of a final decision. Text Origin: Commission Proposal
Article 7(4)				
G 69	4. Questions regarding limitation periods for the enforcement of fines, other equally effective penalties and interim measures shall be governed by the national law of the Member State of the requested authority.	4. Questions regarding limitation periods for the enforcement of fines, other equally effective penalties and interim measures shall be governed by the national law of the Member State of the requested <u>enforcement</u> authority.	4. Questions regarding limitation periods for the enforcement of fines, other equally effective penalties and interim measures shall be governed by the national law of the Member State of the requested enforcement authority.	4. Questions regarding limitation periods for the enforcement of fines, other equally effective penalties and interim measures shall be governed by the national law of the Member State of the requested <u>enforcement</u> authority.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Council and EP Mandate
Article 7(4a)				
69a		<u>4a. Member States may decide that enforcement authorities can make use of the possibilities referred to in this Article in relation to national rules within the meaning of Article 3(1), point (b), and Article 9 of Directive (EU) 2019/633 that do not qualify as overriding mandatory provisions within the meaning of Article 9 of Regulation (EC) No 593/2008.</u>		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 7a				
69b		Article 7a Costs	Article 7a Costs	Article 7a Costs Text Origin: Council and EP Mandate
Article 7a(1a)				
69c		1. Member States shall waive all claims for the reimbursement of costs incurred in applying this Regulation, with the exception of measures taken pursuant to Articles 5, 6 and 7.	1. In relation to measures taken pursuant to Article 5 or 6, when requested by the requested enforcement authority, the applicant enforcement authority shall bear all reasonable additional costs in full, including translation, labour and	1. Enforcement authorities shall not impose any fees on suppliers to recover costs related to the cross-border dimension of an unfair trading practice.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			administrative costs, arising from the request.	
Article 7a, second paragraph				
G 69d				<p><u>2. The enforcement authorities shall waive all claims between them for the reimbursement of costs incurred in applying this Regulation, with the exception of the costs they incur as requested enforcement authority for measures taken pursuant to Articles 5, 6, 7, 12a or 12b as referred to in paragraphs 3 and 4 of this Article</u></p> <p>Text origin: EP mandate (row 53b)</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 7a(2)				
G 69e		<p><u>2. In relation to measures taken pursuant to Articles 5 and 6, the requested enforcement authority may recover from the Member State of the applicant enforcement authority any costs and losses, including translation, labour and administrative costs, arising from measures that have been dismissed and held to be unfounded in a final decision by a court, as far as the substance of the infringement is concerned.</u></p>	<p>2. In relation to measures taken pursuant to Article 5 or 6, when requested by the requested enforcement authority, the applicant enforcement authority shall bear all reasonable additional costs in full, including translation, labour and administrative costs, arising from the request.</p>	<p><u>3. In relation to measures taken pursuant to Article 5, 6, 12a or 12b the requested enforcement authority may request the applicant enforcement authority to bear reasonable additional costs in full or in part, including translation, labour and administrative costs, arising from the request. In such case, the applicant enforcement authority shall fulfil the request.</u></p> <p>Text Origin: EP Mandate</p>
Article 7a(3)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 69f		<u>3 The requested enforcement authority shall recover the amounts due in the currency of its Member State, in accordance with its national law.</u>	3. The requested enforcement authority shall recover the amounts due in the currency of its Member State, in accordance with its national law.	<u>4. The requested enforcement authority may recover the full costs incurred in relation to measures taken pursuant to Article 7 from the fine payments collected on behalf of the applicant enforcement authority, including translation, labour and administrative costs. Only if the fine amount does not cover the reasonable additional costs incurred, or the requested enforcement authority is unsuccessful in collecting the fines, provided that it has made all reasonable efforts to collect them, it may request the applicant authority to bear the costs incurred in full or in part. In such case, the applicant</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<p><u>enforcement authority shall fulfil the request.</u></p> <p>Text Origin: Council and EP Mandate</p>
Article 7a(4)				
G 69g		<p><u>4 In relation to measures taken pursuant to Article 7, the requested enforcement authority may recover the full costs incurred from the fines collected on behalf of the applicant enforcement authority, including translation, labour and administrative costs.</u></p>	<p>The requested enforcement authority may recover the full costs incurred in relation to measures taken pursuant to Article 7 from the fine payments collected on behalf of the applicant enforcement authority, including translation, labour and administrative costs. If the requested enforcement authority</p>	<p><u>5. The requested enforcement authority shall recover the amounts due in the currency of its Member State, in accordance with its national law.</u></p> <p>Text Origin: EP Mandate</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			is unsuccessful in collecting the fines, it may request the applicant authority to bear the costs incurred.	
Article 7a(5)				
G 69h		<p><u>5 If necessary, the requested enforcement authority shall, in accordance with its national law, convert the fines into the currency of its Member State at the rate of exchange applying on the date on which the fines were imposed.</u></p>	<p>4. The requested enforcement authority shall, if necessary, in accordance with its national law, convert the fines into the currency of its Member State at the rate of exchange applying on the date on which the fines were imposed.</p>	<p><u>6. The requested enforcement authority shall, if necessary, in accordance with its national law, convert the fines into the currency of its Member State at the rate of exchange applying on the date on which the fines were imposed</u></p> <p>Text Origin: Council Mandate</p>
Article 8				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
70	Article 8 Notification mechanism	Article 8 Notification mechanism <u>and alert system</u>	Article 8 Notification mechanism	Article 8 Notification mechanism <small>Text Origin: Council mandate/Commission Proposal</small>
Article 8, first paragraph				
71	An enforcement authority shall notify all other enforcement authorities within 1 month after adopting a decision establishing the occurrence of an unfair trading practice with a cross-border dimension in its Member State.	<u>1</u> An enforcement authority shall notify all other enforcement authorities within 1 month after adopting a decision establishing the occurrence of <u>A system for notifying alerts that</u> an unfair trading practice with a cross-border dimension in its <u>might be taking place is hereby established as a network. The Commission</u>	An enforcement authority shall notify all other enforcement authorities within 1 month <u>30 days</u> after adopting a decision establishing the occurrence of an unfair trading practice with a cross-border dimension in its Member State.	An enforcement authority shall notify <u>the Commission and</u> all other enforcement authorities within 1 month <u>30 days</u> after adopting a decision establishing the occurrence of an unfair trading practice with a cross-border dimension in its Member State.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>and the enforcement authorities shall each designate a single point of contact, which shall be a member State of the network. The Commission shall be responsible for managing the network in order to aggregate complaints and identify patterns of abuse.</u>		Text Origin: Council Mandate
Article 8(1a)				
G 71a		<u>1a An enforcement authority shall notify the Commission and all other enforcement authorities within 30 days using the system laid down in paragraph 1 that an unfair trading practice with a cross-border dimension might be taking place in its Member State, regardless of whether it is taking</u>		Text Origin: Council mandate/Commission proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>place only within the Union or is taking place both within the Union and in one or more third countries.</u>		
Article 8(1b)				
G 71b		<u>1b The enforcement authority shall, when issuing an alert referred to in paragraph 1, provide information about the suspected unfair trading practice with a cross-border dimension covered by this Regulation, including the following:</u>		Text Origin: Council mandate/Commission proposal
Article 8(1b), point a				
G 71c		<u>(a) a detailed description of the unfair trading practice with a</u>		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>cross-border dimension concerned under Directive (EU) 2019/633 and by reference to national law;</u>		Text Origin: Council mandate/Commission proposal
Article 8(1b), point b				
G 71d		<u>(b) the Member States concerned or possibly concerned by the unfair trading practice with a cross-border dimension;</u>		Text Origin: Council mandate/Commission proposal
Article 8(1b), third indent				
G 71e		<u>(c) the identity of the buyer or buyers suspected of committing the unfair trading practice with a cross-border dimension;</u>		Text Origin: Council mandate/Commission proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 8(1b), fourth indent				
71f		<u>(d) a description of any legal proceedings, enforcement measures or other measures taken concerning the unfair trading practice with a cross-border dimension and their dates and duration, as well as the status thereof;</u>		Text Origin: Council mandate/Commission proposal
Article 8(1b), fifth indent				
71g		<u>(e) the identities of the enforcement authorities bringing the proceedings and taking other measures.</u>		Text Origin: Council mandate/Commission proposal
Article 8(1c)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G	71h	<p><u>Where a member of the network has information that an unfair trading practice with a cross-border dimension might be taking place, this information shall be notified to the Commission through the alert system within 30 days. The Commission shall transmit this information immediately to the members of the network. The Commission may supplement the notification with any information that is likely to facilitate rapid, appropriate action by enforcement authorities.</u></p>		<p>Text Origin: Council mandate/Commission proposal</p>
Article 8(1d)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 71i		<p><u>The enforcement authority may, when issuing an alert, request enforcement authorities in other Member States to verify whether, based on information that is available or accessible to the relevant enforcement authorities, the same unfair trading practices with a cross-border dimension might be taking place in the territory of those other Member States or whether any proceedings are pending or any enforcement measures have already been taken against those unfair trading practices in those Member States. The enforcement authorities in those other Member States shall inform the Commission without delay of the</u></p>		<p>Text Origin: Council mandate/Commission proposal</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u><i>action implemented or the measures taken following receipt of the notifications transmitted under the alert system. The Commission shall transmit that information without delay to the members of the network.</i></u>		
Article 8(1e), first paragraph				
G 71j		<u><i>Participation in the alert system may be opened to third countries or international organisations, on the basis of agreements between the Union and those countries or international organisations.</i></u>		Text Origin: Council mandate/Commission proposal
Article 8(1e), second paragraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 71k		<u><i>For the purposes of the first subparagraph, the Commission shall ensure that third countries and international organisations do not have direct access to the identity of natural persons.</i></u>		Text Origin: Council mandate/Commission proposal
Article 9				
G 72	Article 9 Procedure for requests for mutual assistance	Article 9 Procedure for requests for mutual assistance	Article 9 Procedure for requests for mutual assistance	Article 9 Procedure for requests for mutual assistance Text Origin: Commission Proposal
Article 9(1)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
73	<p>1. The applicant enforcement authority shall, when making a request for mutual assistance, provide any relevant information necessary to enable the requested enforcement authority to fulfil that request, including any information that can be obtained only in the Member State of the applicant enforcement authority.</p>	<p>1. The applicant enforcement authority shall, when making a request for mutual assistance, <u><i>cite this Regulation as a basis, state the national law laying down the prohibition of the unfair trading practice concerned and the purpose of the request, specify the information required under Article 5(1) or the enforcement measures requested under Article 6 or 7, describe the unfair trading practice concerned and</i></u> provide any relevant information necessary to enable the requested enforcement authority to fulfil that request, including any information that can be obtained only in the</p>	<p>1. The applicant enforcement authority shall, when making a request for mutual assistance:</p> <p>(a) state as legal basis this Regulation, the national law transposing Directive (EU) 2019/633, the corresponding provisions of Article 1(2) and Article 3(1) and (2) of Directive (EU) 2019/633, the purpose of the request, including a description of the cross-border dimension of the alleged unfair trading practice, and specify the information requested under Article 5(1) or the enforcement measures requested under Articles 6 or 7;</p>	<p>1. The applicant enforcement authority shall, when making a request for mutual assistance:</p> <p><u><i>(a) state as legal basis this Regulation, the national law transposing Directive (EU) 2019/633, the corresponding provisions of Article 1(2) and Article 3(1) and (2) of Directive (EU) 2019/633, the purpose of the request, including a description of the cross-border dimension of the alleged unfair trading practice, and specify the information requested under Article 5(1) or the enforcement measures requested under Articles 6 or 7;</i></u></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		Member State of the applicant enforcement authority.	(b) provide any additional relevant information necessary to enable the requested enforcement authority to fulfil that request, including any information that can be obtained only in the Member State of the applicant enforcement authority.	(b) provide any <u>additional</u> relevant information necessary to enable the requested enforcement authority to fulfil that request, including any information that can be obtained only in the Member State of the applicant enforcement authority. Text Origin: Council Mandate
Article 9(2)				
G 74	2. Requests for mutual assistance and all communications linked to them shall be made in writing using standard forms.	2. Requests for mutual assistance and all communications linked to them shall be made in writing using standard forms <u>laid</u>	2. Requests for mutual assistance and all communications linked to them shall be made in writing using Standard forms for the requests for mutual assistance shall be used when	2. Requests for mutual assistance and all communications linked to them shall be made in writing using . Standard forms <u>for the requests for mutual assistance shall be used when they have</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>down by the Commission in accordance with Article 12.</u>	they have been laid down by the Commission in accordance with Article 20b.	<u>been laid down by the Commission in accordance with Article 20b.</u> Text Origin: Council Mandate
Article 10				
75	Article 10 Refusal to comply with a request for mutual assistance	Article 10 Refusal to comply with a request for mutual assistance	Article 10 Refusal to comply with a request for mutual assistance	Article 10 Refusal to comply with a request for mutual assistance Text Origin: Commission Proposal
Article 10(1)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
76	1. A requested enforcement authority may refuse to comply with a request for information under Article 5 only if one or both of the following applies:	1. A requested enforcement authority may refuse to comply with a request for information under Article 55(1) <u>in accordance with Article 4a</u> , only if <u>at least</u> one or both of the following applies:	1. A requested enforcement authority may refuse to comply with a request for information under Article 55(1) only if one or both of the following applies:	1. A requested enforcement authority may refuse to comply with a request for information under Article 55(1) only if one or both of the following applies: Text Origin: Council Mandate
Article 10(1), point (a)				
77	(a) following a consultation with the applicant enforcement authority, the information requested is not needed by the applicant enforcement authority to establish whether an unfair trading practice with a cross-border	(a) following a consultation with the applicant enforcement authority, <u>both enforcement authorities agree that</u> the information requested is not needed by the applicant enforcement authority to establish whether an unfair trading practice	(a) following a consultation with the applicant enforcement authority, both enforcement authorities agree that the information requested is not needed by the applicant enforcement authority to establish whether an unfair trading practice with a cross-border dimension has	(a) following a consultation with the applicant enforcement authority, <u>both enforcement authorities agree that</u> the information requested is not needed by the applicant enforcement authority to establish whether an unfair trading practice with a cross-border dimension has

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	dimension has occurred or is occurring;	with a cross-border dimension has occurred or is occurring;	occurred or is occurring or that a new request may be made at a later stage;	occurred or is occurring <u>or that a new request may be made at a later stage;</u> Text Origin: Council Mandate
Article 10(1), point (b)				
78	(b) criminal investigations or judicial proceedings have already been initiated against the same buyer in respect of the same unfair trading practice before the authorities in the Member State of the requested enforcement authority or of the applicant enforcement authority.	(b) criminal investigations or judicial proceedings have already been initiated against the same buyer in respect of the same unfair trading practice <u>towards the same supplier and in the same period</u> before the authorities in the Member State of the requested enforcement authority or of the applicant enforcement authority.	(b) criminal investigations or judicial proceedings have already been initiated against the same buyer in respect of the same unfair trading practice before the authorities in the Member State of the requested enforcement authority or of the applicant enforcement authority.	(b) criminal investigations or judicial proceedings have already been initiated against the same buyer in respect of the same unfair trading practice <u>towards the same supplier and during the same period of the unfair trading practice covered by these criminal investigations or judicial proceedings,</u> before the authorities in the Member State of the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<p>requested enforcement authority or of the applicant enforcement authority.</p> <p>Text Origin: EP Mandate</p>
Article 10(2)				
79	<p>2. A requested enforcement authority may refuse to comply with a request for enforcement measures under Articles 6 and 7 only if, having consulted with the applicant enforcement authority, one or both of the following applies:</p>	<p>2. A requested enforcement authority may refuse to comply with a request for enforcement measures under Articles 6 and 7 <u>Article 6 in accordance with Article 4a</u>, only if, having consulted with the applicant enforcement authority <u>and the Commission</u>, <u>at least</u> one or both of the following applies:</p>	<p>2. A requested enforcement authority may refuse to comply with a request for enforcement measures under Articles 6 and 7 <u>Article 6</u> only if, having consulted with the applicant enforcement authority, at least one or both of the following applies:</p> <p>Text Origin: Council Mandate</p>	<p>2. A requested enforcement authority may refuse to comply with a request for enforcement measures under Articles 6 and 7 <u>Article 6</u> only if, having consulted with the applicant enforcement authority, <u>at least</u> one or both of the following applies:</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 10(2), point (a)				
80	(a) criminal investigations or judicial proceedings have already been initiated, a judgment has been given, or a court settlement has been reached in respect of the same unfair trade practice before the judicial authorities in the Member State of the requested enforcement authority;	(a) criminal investigations or judicial proceedings have already been initiated, <u>or</u> a judgment has been given <u>against the same buyer in respect of the same unfair trading practice towards the same supplier and in the same period</u> , or a court settlement has been reached <u>with the same buyer</u> in respect of the same unfair trade trading practice before the judicial authorities in the Member State of the requested enforcement authority;	(a) criminal investigations or judicial proceedings have already been initiated, or a judgment has been given against the same buyer in respect of the same unfair trading practice , or a court settlement has been reached with the same buyer in respect of the same unfair trade trading practice before the judicial authorities in the Member State of the requested enforcement authority;	(a) criminal investigations or judicial proceedings have already been initiated, <u>or</u> a judgment has been given <u>against the same buyer in respect of the same unfair trading practice towards the same supplier, and during the same period of the unfair trading practice covered by these criminal investigations or judicial proceedings</u> , or a court settlement has been reached <u>with the same buyer</u> in respect of the same unfair trade trading practice before the judicial authorities in the Member State of the requested enforcement authority;

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: EP Mandate
Article 10(2), point (b)				
81	(b) the exercise of the necessary enforcement powers has already been initiated, or an administrative decision has already been adopted in respect of the same intra-Union infringement and against the same trader in the Member State of the requested authority in order to bring about the swift and effective cessation of the same unfair trade practice;	(b) the exercise of the necessary enforcement powers has already been initiated, or an administrative decision has already been adopted <u>against the same buyer</u> in respect of the same intra-Union infringement and <u>unfair trading practice</u> towards the same trader <u>supplier</u> in the Member State of the requested <u>enforcement</u> authority in order to bring about the swift and effective cessation of the same unfair trade <u>trading</u> practice;	(b) the exercise of the necessary enforcement powers including administrative proceedings has already been initiated, or an administrative decision has already been adopted against the same buyer in respect of the same intra-Union infringement and against the same trader unfair trading practice in the Member State of the requested authority in order to bring about the swift and effective cessation of	(b) the exercise of the necessary enforcement powers <u>including administrative proceedings</u> has already been initiated, or an administrative decision has already been adopted <u>against the same buyer</u> in respect of the same intra-Union infringement and against <u>unfair trading practice towards</u> the same trader <u>supplier, and during the same period of the unfair trading practice covered by the investigations or the</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			the same unfair trade trading practice;	<u>administrative decision</u> in the Member State of the requested <u>enforcement</u> authority in order to bring about the swift and effective cessation of the same unfair trade trading practice; Text Origin: EP Mandate
Article 10(2), point (c)				
82	(c) a criminal investigation or judicial proceedings have already been initiated as regards the same buyer in respect of the same unfair trade practice before the judicial authorities of the applicant;	(c) a criminal investigation or judicial proceedings have already been initiated as regards against the same buyer in respect of the same unfair trade trading practice <u>towards the same supplier</u> before the judicial authorities <u>in the</u>	(c) a criminal investigation or judicial proceedings have already been initiated as regards against the same buyer in respect of the same unfair trade trading practice before the judicial authorities in the Member State of the applicant enforcement authority ;	(c) a criminal investigation or judicial proceedings have already been initiated as regards against the same buyer in respect of the same unfair trade trading practice <u>towards the same supplier, and during the same period of the unfair trading practice covered by</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>Member State</u> of the applicant <u>enforcement authority</u> ;		<u>the criminal investigation or judicial proceedings</u> before the judicial authorities <u>in the Member State</u> of the applicant <u>enforcement authority</u> ; Text Origin: EP Mandate
Article 10(2), point (ca)				
g 82a			(ca) the requested enforcement authority issues reasonable doubts whether the requested enforcement measures are in compliance with Directive (EU) 2019/633 or can show that the request concerns national rules adopted on the basis of Article 3(1), point (b), third	<u>(ca) the requested enforcement authority can demonstrate that the requested enforcement measures are not provided in Article 6(1) points (a), (b), (c) of Directive (EU) 2019/633, or can show that the request concerns periods set on the basis of Article 3(1), point (b).</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			<p>sentence of Directive (EU) 2019/633 or maintained or adopted on the basis of Article 9(1) of Directive (EU) 2019/633;</p>	<p><u><i>third sentence of Directive (EU) 2019/633 or national rules maintained or adopted on the basis of Article 9(1) of Directive (EU) 2019/633 ;</i></u></p> <p>text origin: Council mandate</p>
Article 10(2), point (cb)				
G 82b			<p>(cb) the requested enforcement authority cannot:</p>	<p><u><i>(cb) the requested enforcement authority cannot:</i></u></p> <p>Text Origin: Council Mandate</p>
Article 10(2), point (cb), second subparagraph				

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	82c					(i) ensure the appropriate protection of the relevant information in accordance with Article 5(3) of Directive 2019/633 that has been provided pursuant to Article 4a(4) of this Regulation and on the protection of which the complainant insists, or		<u>(i) ensure the appropriate protection of the relevant information in accordance with Article 5(3) of Directive 2019/633 that has been provided pursuant to Article 4a(4) of this Regulation and on the protection of which the complainant insists, or</u> Text Origin: Council Mandate
Article 10(2), point (cb), third subparagraph								
G	82d					(ii) fulfil the request without having access to the information that the complainant did not agree to provide pursuant to Article 4a(4) of this Regulation;		<u>(ii) fulfil the request without having access to the information that the complainant did not agree to provide pursuant to Article 4a(4) of this Regulation;</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Council Mandate
Article 10(2), point (d)				
G 83	(d) the applicant enforcement authority has not provided the information that is necessary in accordance with Article 5.	(d) the applicant enforcement authority has not provided the information that is necessary <u>to act on a complaint</u> in accordance with Article 5.	(d) the applicant enforcement authority has not provided the information that is necessary in accordance with Article 59.	(d) the applicant enforcement authority has not provided the information that is necessary in accordance with Article 59. Text Origin: Council Mandate
Article 10(2a), first subparagraph				
G 83a			2a. A requested enforcement authority may refuse to comply with a request for enforcement measures under Article 7 only if,	<u>2a. A requested enforcement authority may refuse to comply with a request for enforcement measures under Article 7 only if,</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			having consulted with the applicant enforcement authority, at least one of the following applies:	<u>having consulted with the applicant enforcement authority, at least one of the following applies:</u> Text Origin: Council Mandate
Article 10(2a), second subparagraph				
G 83b			(a) criminal investigations or judicial proceedings have already been initiated or a judgment has been given against the same buyer in respect of the same unfair trading practice, or a court settlement has been reached with the same buyer in respect of the same unfair trading practice before the	<u>(a) criminal investigations or judicial proceedings have already been initiated or a judgment has been given against the same buyer in respect of the same unfair trading practice, or a court settlement has been reached with the same buyer in respect of the same unfair trading practice before the judicial authorities in</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			judicial authorities in the Member State of the requested enforcement authority;	<u>the Member State of the requested enforcement authority;</u> Text Origin: Council Mandate
Article 10(2a), third subparagraph				
G 83c			(b) the exercise of the necessary enforcement powers including administrative proceedings has already been initiated, or an administrative decision has already been adopted against the same buyer in respect of the same unfair trading practice in the Member State of the requested authority in order to bring about the swift	<u>(b) the exercise of the necessary enforcement powers including administrative proceedings has already been initiated, or an administrative decision has already been adopted against the same buyer in respect of the same unfair trading practice in the Member State of the requested authority in order to bring about the swift and</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			and effective cessation of the same unfair trading practice;	<u>effective cessation of the same unfair trading practice;</u> Text Origin: Council Mandate
Article 10(2a), fourth subparagraph				
G 83d			(c) a criminal investigation or judicial proceedings have already been initiated against the same buyer in respect of the same unfair trading practice before the judicial authorities in the Member State of the applicant enforcement authority;	<u>(c) a criminal investigation or judicial proceedings have already been initiated against the same buyer in respect of the same unfair trading practice before the judicial authorities in the Member State of the applicant enforcement authority;</u> Text Origin: Council Mandate

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 10(2a), fifth subparagraph				
G 83e			<p>(d) the requested enforcement authority issues reasonable doubts whether the final decision is in compliance with Directive (EU) 2019/633 or can show that the final decision concerns national rules adopted on the basis of Article 3(1), point (b), third sentence of Directive (EU) 2019/633 or maintained or adopted on the basis of Article 9(1) of Directive (EU) 2019/633, or could not have been taken or cannot be enforced in compliance with its national law;</p>	<p><u>(d) the requested enforcement authority can demonstrate that the final decision concerns periods set on the basis of Article 3(1), point (b), third sentence of Directive (EU) 2019/633 or national rules maintained or adopted on the basis of Article 9(1) of Directive (EU) 2019/633, or could not have been taken or cannot be enforced in compliance with its national law;</u></p> <p>Text Origin: Council Mandate</p>
Article 10(2a), sixth subparagraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
83f			(e) the applicant enforcement authority has not provided the information that is necessary in accordance with Article 9.	<u>(e) the applicant enforcement authority has not provided the information that is necessary in accordance with Article 9.</u> Text Origin: Council Mandate
Article 10(3)				
84	3. The requested enforcement authority shall inform the applicant enforcement authority of any refusal to comply with a request for mutual assistance, together with the reasons for that refusal.	3. The requested enforcement authority shall inform <u>without delay</u> the applicant enforcement authority <u>and the Commission</u> of any refusal to comply with a request for mutual assistance, together with the reasons for that refusal.	3. The requested enforcement authority shall inform the applicant enforcement authority of any refusal to comply with a request for mutual assistance, together with the reasons for that refusal.	3. The requested enforcement authority shall inform <u>without delay</u> the applicant enforcement authority of any refusal to comply with a request for mutual assistance, together with the reasons for that refusal.

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
				Text Origin: EP and Council Mandate
Article 11				
85	Article 11 Language arrangements	Article 11 Language arrangements	Article 11 Language arrangements	Article 11 Language arrangements Text Origin: Commission Proposal
Article 11(1)				
86	1. The languages used by the enforcement authorities for requests, notifications and all other communications covered by this Chapter which are linked to the mutual assistance mechanism,	1. The languages used by the enforcement authorities for requests, notifications and all other communications covered by this Chapter which are linked to the mutual assistance mechanism,	1. The languages used by the enforcement authorities for requests, notifications and all other communications covered by this Chapter which are linked to the mutual assistance mechanism,	1. The languages used by the enforcement authorities for requests, notifications and all other communications covered by this Chapter which are linked to the mutual assistance mechanism,

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
	shall be agreed upon with the enforcement authorities concerned.	shall be agreed upon with the enforcement authorities concerned.	shall be agreed upon with the enforcement authorities concerned.	shall be agreed upon with the enforcement authorities concerned. <small>Text Origin: Commission Proposal</small>
Article 11(2)				
87	2. If no agreement can be reached between the enforcement authorities concerned, requests for mutual assistance shall be sent in the official language, or one of the official languages, of the Member State of the applicant enforcement authority and replies in the official language, or one of the official languages, of the Member State of	2. If no agreement can be reached between the enforcement authorities concerned, requests for mutual assistance shall be sent in the official language, or one of the official languages, of the Member State of the applicant enforcement authority, <u>accompanied by a courtesy translation in English,</u> and replies in the official	2. If no agreement can be reached between the enforcement authorities concerned, requests for mutual assistance shall be sent in the official language, or one of the official languages, of the Member State of the applicant enforcement authority and replies in the official language, or one of the official languages, of the Member State of	2. If no agreement can be reached between the enforcement authorities concerned, requests for mutual assistance shall be sent in the official language, or one of the official languages, of the Member State of the applicant enforcement authority, <u>accompanied by a courtesy translation in English, if requested</u> and replies in the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	the requested enforcement authority.	language, or one of the official languages, of the Member State of the requested enforcement authority, <u>accompanied by a courtesy translation in English.</u>	the requested enforcement authority.	official language, or one of the official languages, of the Member State of the requested enforcement authority, <u>accompanied by a courtesy translation in English, if requested.</u> Text Origin: EP Mandate
Article 12				
G 88	Article 12 Implementing powers	Article 12 Implementing powers	Article 12 Implementing powers This article is now article 20b	G
Article 12, first paragraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G	89	<p>The Commission may adopt implementing acts laying down standard forms for the requests of mutual assistance under Article 9(2).</p> <p><u>By ... /6 months from the entry into force of this Regulation</u>, the Commission may<u>shall</u> adopt implementing acts laying down standard forms for the requests of mutual assistance under Article 9(2).</p>	<p>The Commission may adopt implementing acts laying down standard forms for the requests of mutual assistance under Article 9(2).</p>	
Article 12, first paragraph, point a				
G	89a	<p><u>(a) standard forms for the requests of mutual assistance under Article 9(2);</u></p>		
Article 12, first paragraph, point b				
G	89b	<p><u>(b) the measures for implementing Article 8, in particular the specific conditions and standard procedures</u></p>		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>applicable to the issuing of alerts and the transmission of notifications, communications and information among enforcement authorities.</u>		
Article 12, second paragraph				
G	90 The implementing acts referred to in the first paragraph shall be adopted in accordance with the examination procedure referred to in Article 21.	The implementing acts referred to in the first paragraph <u>this Article</u> shall be adopted in accordance with the examination procedure referred to in Article 21.	The implementing acts referred to in the first paragraph shall be adopted in accordance with the examination procedure referred to in Article 21.	
Chapter IIIa				
G	90a			<u>Chapter IIIa</u> <u>VOLUNTARY COOPERATION</u>
Article 12a				

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	90b							<u>Article 12a</u> <u>Requests for information in</u> <u>relation to national rules</u>
Article 12a(1)								
G	90c							<u>1. Member States may</u> <u>decide that enforcement</u> <u>authorities can make use of the</u> <u>possibilities referred to in Article</u> <u>5 in relation to periods set on the</u> <u>basis of Article 3(1), point (b),</u> <u>third sentence or national rules</u> <u>maintained or adopted on the</u> <u>basis of Article 9(1) of Directive</u> <u>(EU) 2019/633.</u>
Article 12a(2)								

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	90d							<u>2. When an applicant enforcement authority makes use of this possibility, the requested enforcement authority may provide only partial information or refuse to provide information. The requested enforcement authority shall indicate the reasons for the partial reply or for the refusal. In this case Article 10 shall not apply.</u>
Article 12b								
G	90e							<u>Article 12b</u> <u>Requests for investigative measures in relation to national rules</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 12b(1)								
G	90f							<p><u>1. When a Member State has set periods on the basis of Article 3(1), point (b), third sentence or maintained or adopted national rules on the basis of Article 9(1) of Directive (EU) 2019/633, that provide for the same threshold for the operators or the same type of unfair trading practices as the periods set by another Member State on the basis of Article 3(1), point (b), third sentence or as the national rules of another Member State maintained or adopted on the basis of Article 9(1) of Directive (EU) 2019/633, their enforcement authorities may</u></p>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>agree to make use of the possibilities referred to in Article 6(1) in relation to one or more unfair trading practices under those national rules.</u>
Article 12b(2)								
G		90g						<u>2. When an applicant enforcement authority makes use of this possibility the requested enforcement authority may refuse to conduct investigative measures, without indicating the reasons for the refusal. In this case, Article 10 shall not apply.</u>
Article 12c								
G		90h						<u>Article 12c</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>Procedure for request</u>
Article 12c, first paragraph				
g 90i				<u>When an applicant enforcement authority makes use of the possibility provided in Article 12a and 12b, it shall send a request to the requested enforcement authority which:</u>
Article 12c, first paragraph, point (a)				
g 90j				<u>(a) states this Regulation as legal basis;</u>
Article 12c, first paragraph, point (b)				
g 90k				<u>(b) indicates the national law laying down the prohibition of the</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>unfair trading practice concerned that goes beyond Directive (EU) 2019/633, and if that national law is based on Article 3(1), point (b), third sentence or Article 9(1) of Directive (EU) 2019/633;</u>
	Article 12c, first paragraph, point (c)			
G	90l			<u>(c) describes the purpose of the request;</u>
	Article 12c, first paragraph, point (d)			
G	90m			<u>(d) describes the unfair trading practice concerned and specify how this goes beyond the Directive (EU) 2019/633;</u>
	Article 12c, first paragraph, point (e)			

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 90n				<u>(e) specifies what information or which investigative measure is requested.</u>
CHAPTER IV				
G 91	CHAPTER IV INVESTIGATION AND ENFORCEMENT MECHANISMS FOR WIDESPREAD UNFAIR TRADING PRACTICES WITH A CROSS-BORDER DIMENSION	CHAPTER IV INVESTIGATION AND ENFORCEMENT MECHANISMS FOR WIDESPREAD UNFAIR TRADING PRACTICES WITH A CROSS-BORDER DIMENSION	CHAPTER IV INVESTIGATION AND ENFORCEMENT MECHANISMS FOR WIDESPREAD UNFAIR TRADING PRACTICES WITH A CROSS-BORDER DIMENSION	CHAPTER IV INVESTIGATION AND ENFORCEMENT MECHANISMS FOR WIDESPREAD UNFAIR TRADING PRACTICES WITH A CROSS-BORDER DIMENSION Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 13				
G 92	<p>Article 13</p> <p>Launch of a coordinated action and designation of the coordinator</p>	<p>Article 13</p> <p>Launch of a coordinated action and designation of the coordinator</p>	<p>Article 13</p> <p>Launch of a coordinated action and designation of the coordinator</p>	<p>Article 13</p> <p>Launch of a coordinated action and designation of the coordinator</p> <p>Text Origin: Commission Proposal</p>
Article 13(1)				
G 93	<p>1. Where there is a reasonable suspicion that there may be a widespread unfair trading practice with a cross-border dimension, the enforcement authorities concerned by that practice shall launch a coordinated action which shall be based on an</p>	<p>1. Where there is a reasonable suspicion that there may be a widespread unfair trading practice with a cross-border dimension, the enforcement authorities concerned by that practice shall launch a coordinated action which shall be based on an</p>	<p>1. Where there is a reasonable suspicion that there may be a widespread unfair trading practice with a cross-border dimension, the enforcement authorities concerned by that practice shall launch a coordinated action which shall be based on an</p>	<p>1. Where there is a reasonable suspicion that there may be a widespread unfair trading practice with a cross-border dimension, the enforcement authorities concerned by that practice shall launch a coordinated action which shall be based on an</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	agreement between them. The launch of the coordinated action shall be notified to the Commission without delay.	agreement between them. The launch of the coordinated action shall be notified to the Commission without delay.	agreement between them. The launch of the coordinated action shall be notified to the Commission without delay.	agreement between them. The launch of the coordinated action shall be notified to the Commission without delay. Text Origin: Commission Proposal
Article 13(2)				
94	2. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall designate an enforcement authority to be the coordinator.	2. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall designate, <u>by common agreement</u> , an enforcement authority to be the coordinator. <u>If those enforcement authorities are unable to reach an agreement on</u>	2. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall designate an enforcement authority to be the coordinator.	2. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall designate an enforcement authority to be the coordinator

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<p><u>that designation, the enforcement authority that has issued the alert pursuant to Article 19 shall be the coordinator. That enforcement authority shall be assisted in the exercise of its powers by the other enforcement authorities concerned and by the Commission, in order to facilitate efficient cooperation among enforcement authorities, safeguard fair competition and protect vulnerable suppliers.</u></p>	<p>If those enforcement authorities are unable to reach an agreement on that designation, the enforcement authority that has issued the alert pursuant to Article 19 shall be the coordinator.</p>	<p><u>In order to reach an agreement in the designation of the coordinator, the Commission may, when necessary, facilitate the discussions among the enforcement authorities.</u></p> <p><u>If those enforcement authorities are unable to reach an agreement on that designation, the enforcement authority that has issued the alert pursuant to Article 19 shall be the coordinator.</u></p> <p>Text origin: EP and Council mandate</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 13(3)				
95	<p>3. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall conduct investigations on the basis of information that is available to them. They shall notify the results of such investigations to the other enforcement authorities, pursuant to Article 19.</p>	<p>3. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall conduct investigations on the basis of information that is available to them. They<u>The coordinator</u> shall notify the results of such investigations to the other enforcement authorities, pursuant to Article 19.</p>	<p>3. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall conduct investigations on the basis of information that is available to them. They shall notify the results of such investigations to the other enforcement authorities, pursuant to Article 19.</p>	<p>3. The enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension shall conduct investigations on the basis of information that is available to them. They shall notify the results of such investigations to the other enforcement authorities <u>concerned</u>, pursuant to Article 19.</p> <p>Text Origin: Council Mandate</p>
Article 13(4)				

	<div>CLEAN</div> <div>Commission Proposal</div>	<div>VS.EC</div> <div>EP Mandate</div>	<div>VS.EC</div> <div>Council Mandate</div>	<div>VS.EC</div> <div>Draft Agreement</div>
G	96 <div>4. An enforcement authority shall join the coordinated action if it becomes apparent during that coordinated action that the enforcement authority is concerned by the widespread unfair trading practice with a cross-border dimension.</div>	4. An enforcement authority shall join the coordinated action if it becomes apparent during that coordinated action that the enforcement authority is concerned by the widespread unfair trading practice with a cross-border dimension.	4. An enforcement authority shall join the coordinated action if it becomes apparent during that coordinated action that the enforcement authority is concerned by the widespread unfair trading practice with a cross-border dimension.	4. An enforcement authority shall join the coordinated action if it becomes apparent during that coordinated action that the enforcement authority is concerned by the widespread unfair trading practice with a cross-border dimension. <div>Text Origin: Commission Proposal</div>
Article 13(5)				
G	97 <div>5. In order to establish that an enforcement authority is concerned by a widespread unfair trading practice with a cross-border dimension all elements</div>	5. In order to establish that an enforcement authority is concerned by a widespread unfair trading practice with a cross-border dimension all elements	5. In order to establish that an enforcement authority is concerned by a widespread unfair trading practice with a cross-border dimension all elements	5. In order to establish that an enforcement authority is concerned by a widespread unfair trading practice with a cross-border dimension all elements

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
	shall be taken into account and in particular:	shall be taken into account and in particular:	shall be taken into account and in particular:	shall be taken into account and in particular: <small>Text Origin: Commission Proposal</small>
Article 13(5), point (a)				
<small>G</small> 98	a) the Member States where the buyers are established;	a) the Member States <small>or the third country</small> where the buyers are established;	a) the Member States where the buyers are established;	a) the Member States where the buyers are established; <small>Text Origin: Council Mandate/Commission proposal</small>
Article 13(5), point (b)				
<small>G</small> 99	b) the Member States where the suppliers that may be affected	b) the Member States where the suppliers that may be affected	b) the Member States where the suppliers that may be affected	b) the Member States where the suppliers that may be affected

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
	by the unfair trading practice are established.	by the unfair trading practice are established.	by the unfair trading practice are established.	by the unfair trading practice are established. <small>Text Origin: Commission Proposal</small>
Article 14				
<small>G</small> 100	Article 14 Reasons for refusing to take part in the coordinated action	Article 14 Reasons for refusing to take part in the coordinated action	Article 14 Reasons for refusing to take part in the coordinated action	Article 14 Reasons for refusing to take part in the coordinated action <small>Text Origin: Commission Proposal</small>
Article 14(1)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
101	1. An enforcement authority may refuse to take part in a coordinated action only if any of the following applies:	1. An enforcement authority may refuse to take part in a coordinated action only if any of the following applies:	1. An enforcement authority may refuse to take part in a coordinated action only if any of the following applies:	1. An enforcement authority may refuse to take part in a coordinated action only if any of the following applies: Text Origin: Commission Proposal
Article 14(1), point (a)				
102	(a) a criminal investigation or judicial proceedings have already been initiated, a judgment has been given, or a court settlement has been reached in respect of the same buyer and concerning the same unfair trading practice in that enforcement authority's Member State;	(a) a criminal investigation, <u>administrative</u> or judicial proceedings have already been initiated, a judgment has been given, or a court settlement has been reached in respect of the same buyer <u>or buyers</u> and concerning the same unfair trading practice <u>towards the same</u>	(a) a criminal investigation or , judicial proceedings or administrative proceedings have already been initiated, a judgment has been given, or a court settlement has been reached in respect of the same buyer or buyers and concerning the same unfair trading practice practices in	(a) a criminal investigation, <u>or administrative</u> or judicial <u>or administrative</u> proceedings have already been initiated, a judgment has been given, or a court settlement has been reached in respect of the same buyer <u>or buyers</u> and concerning the same unfair trading practice <u>towards the same</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>supplier or suppliers and in the same period</u> in that enforcement authority's Member State;	that enforcement authority's Member State;	<u>supplier, and during the same period of the unfair trading practice covered by this criminal investigation, or judicial, or administrative proceedings</u> in that enforcement authority's Member State; Text Origin: EP Mandate
Article 14(1), point (b)				
103	(b) the enforcement authority has already initiated investigations before the issuing of an alert referred to in Article 19, or an administrative decision has been adopted against the same buyer in respect of the same unfair trading	(b) the enforcement authority has already initiated investigations before the issuing of an alert referred to in Article 19, or an administrative decision has been adopted against the same buyer <u>or buyers</u> in respect of the same	(b) the enforcement authority has already initiated investigations before the issuing of an alert referred to in Article 19, or an administrative decision has been adopted against the same buyer or buyers in respect of the same	(b) the enforcement authority has already initiated investigations before the issuing of an alert referred to in Article 19, or an administrative decision has been adopted against the same buyer <u>or buyers</u> in respect of the same

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	practice in that enforcement authority's Member State to bring about the cessation of the widespread unfair trading practice with a cross-border dimension;	unfair trading practice <u>towards the same supplier or suppliers and in the same period</u> in that enforcement authority's Member State to bring about the cessation of the widespread unfair trading practice with a cross-border dimension;	unfair trading practicepractices in that enforcement authority's Member State to bring about the cessation of the widespread unfair trading practice with a cross-border dimension;	unfair trading practice <u>towards the same supplier, and during the same period of the unfair trading practice covered by the investigations or the administrative decision</u> in that enforcement authority's Member State to bring about the cessation of the widespread unfair trading practice with a cross-border dimension; Text Origin: EP Mandate
Article 14(1), point (c)				
G 104	(c) the widespread unfair trading practice with a cross-border dimension has not occurred	(c) the widespread unfair trading practice with a cross-border dimension has not occurred	(c) the widespread unfair trading practice with a cross-border dimension has not occurred	(c) the widespread unfair trading practice with a cross-border dimension has not occurred

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	in that enforcement authority's Member State and therefore no enforcement measures need to be adopted by that enforcement authority.	in that enforcement authority's Member State and therefore no enforcement measures need to be adopted by that enforcement authority.	in that enforcement authority's Member State and therefore no enforcement measures under Article 6 of Directive (EU) 2019/633 need to be adopted taken by that enforcement authority.	in that enforcement authority's Member State and therefore no enforcement measures <u>under Article 6 of Directive (EU) 2019/633</u> need to be adopted <u>taken</u> by that enforcement authority. Text Origin: Council Mandate
Article 14(2)				
105	2. Where an enforcement authority refuses to take part in the coordinated action, it shall inform the Commission and the other enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension about its decision	2. Where an enforcement authority refuses to take part in the coordinated action, it shall inform the Commission and the other enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension about its decision	2. Where an enforcement authority refuses to take part in the coordinated action, it shall inform the Commission and the other enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension about its decision	2. Where an enforcement authority refuses to take part in the coordinated action, it shall inform the Commission and the other enforcement authorities concerned by the widespread unfair trading practice with a cross-border dimension about its decision

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	without delay, stating the reasons for its decision and providing any necessary supporting documents.	without delay, stating the reasons for its decision and providing any necessary supporting documents.	without delay, stating the reasons for its decision and providing, where any necessary, supporting documents.	without delay, stating the reasons for its decision and providing any necessary supporting documents. Text Origin: Commission Proposal
Article 14(a)				
G 105a		<u>Article 14a</u> <u>Mediation mechanism</u>		Text Origin: Council mandate/Commission proposal
Article 14(a), first paragraph				
G 105b		<u>1</u> <u>The Commission shall act as a mediation mechanism for the</u>		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u><i>resolution of potential disagreements between Member States and refusals of cooperation for no objective reason, and to prevent blockages in the mutual assistance process.</i></u>		Text Origin: Council mandate/Commission proposal
Article 15				
106	Article 15 Investigation measures in coordinated actions	Article 15 Investigation <u>Investigative</u> measures in coordinated actions	Article 15 Investigation measures Investigations in coordinated actions	Article 15 Investigation measures <u>Investigations</u> in coordinated actions Text Origin: Council Mandate
Article 15(1)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 107	1. The enforcement authorities concerned by the coordinated action shall ensure that investigations and inspections are conducted in a coordinated manner. They shall seek to conduct investigations and inspections and, to the extent that national law so allows, to apply interim measures simultaneously with one another.	1. The enforcement authorities concerned by the coordinated action shall ensure that investigations and inspections are conducted in a <u>timely, effective, and</u> coordinated manner. They shall seek to conduct investigations and inspections and, to the extent that national law so allows, to apply interim measures simultaneously with one another.	1. The enforcement authorities concerned by the coordinated action shall ensure that investigations and inspections are conducted in a coordinated manner. They shall seek to conduct investigations and inspections and, to the extent that national law so allows, to apply interim measures simultaneously with one another.	1. The enforcement authorities concerned by the coordinated action shall ensure that investigations and inspections are conducted in a <u>timely, effective, and</u> coordinated manner. They shall seek to conduct investigations and inspections and, to the extent that national law so allows, to apply interim measures simultaneously with one another. Text Origin: EP Mandate
Article 15(2)				
G 108	2. The enforcement authorities concerned by the coordinated action shall set out the	2. The enforcement authorities concerned by the coordinated action shall set out the	2. The enforcement authorities concerned by the coordinated action shall set out the	2. The enforcement authorities concerned by the coordinated action shall set out the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	outcome of the investigation and the assessment of the widespread unfair trading practice with a cross-border dimension in a common position, summarising the national decisions adopted.	outcome of the investigation and the assessment of the widespread unfair trading practice with a cross-border dimension in a common position <u>joint statement</u> , summarising the national decisions adopted.	outcome of the investigation and the assessment of the widespread unfair trading practice with a cross-border dimension in a common position <u>statement</u> , summarising the national decisions adopted <u>measures taken</u> and, where applicable, the different opinions of the enforcement authorities.	outcome of the investigation and the assessment of the widespread unfair trading practice with a cross-border dimension in a common position <u>statement</u> , summarising the national decisions adopted <u>measures taken</u> and, where applicable, the different opinions of the enforcement authorities. Text Origin: Council Mandate
	Article 15(3)			
109	3. Without prejudice to the rules on confidentiality and on professional and trade secrecy laid down in Directive (EU) 2016/943	3. Without prejudice to the rules on confidentiality and on professional and trade secrecy laid down in Directive (EU) 2016/943	3. Without prejudice to the rules on confidentiality and on professional and trade secrecy laid down in Directive (EU) 2016/943	3. Without prejudice to the rules on confidentiality and on professional and trade secrecy laid down in Directive (EU) 2016/943

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	<p>of the European Parliament and of the Council¹, the enforcement authorities concerned by the coordinated action shall publish the common position or parts thereof on their websites and inform the Commission of the publication.</p> <hr/> <p>1. Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1, ELI: http://data.europa.eu/eli/dir/2016/943/oj).</p>	<p>of the European Parliament and of the Council¹⁶, the enforcement authorities concerned by the coordinated action shall publish the common position<u>joint statement</u> or parts thereof on their websites and inform the Commission of the publication.</p> <hr/> <p>1. Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1, ELI: http://data.europa.eu/eli/dir/2016/943/oj).</p>	<p>of the European Parliament and of the Council¹, the enforcement authorities concerned by the coordinated action shall publish the common positionstatement or parts thereof on their websites and inform the Commission of the publication.</p> <hr/> <p>1. [1] Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1, ELI: http://data.europa.eu/eli/dir/2016/943/oj).</p>	<p>of the European Parliament and of the Council¹, the enforcement authorities concerned by the coordinated action shall publish the common position<u>statement</u> or parts thereof on their websites and inform the Commission of the publication.</p> <hr/> <p>1. <u>[1]</u> Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1, ELI: http://data.europa.eu/eli/dir/2016/943/oj).</p> <p>Text Origin: Council Mandate</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 16				
G 110	Article 16 Enforcement measures in coordinated actions	Article 16 Enforcement measures in coordinated actions	Article 16 Enforcement measures in coordinated actions	Article 16 Enforcement measures in coordinated actions Text Origin: Commission Proposal
Article 16(1)				
G 111	1. The enforcement authorities concerned by the coordinated action shall take within their jurisdiction all necessary enforcement measures under Article 6 of Directive (EU) 2019/633 against the buyer responsible for the widespread	1. The enforcement authorities concerned by the coordinated action shall take within their jurisdiction all necessary enforcement measures under Article 6 of Directive (EU) 2019/633 against the buyer <u>or</u> <u>buyers</u> responsible for the	1. The enforcement authorities concerned by the coordinated action shall take within their jurisdiction all necessary enforcement measures under Article 6 of Directive (EU) 2019/633 against the buyer or buyers responsible for the	1. The enforcement authorities concerned by the coordinated action shall take within their jurisdiction all necessary enforcement measures under Article 6 of Directive (EU) 2019/633 against the buyer <u>or</u> <u>buyers</u> responsible for the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	unfair trading practice with a cross-border dimension to bring about the cessation of that unfair trading practice.	widespread unfair trading practice with a cross-border dimension to bring about the cessation of that unfair trading practice.	widespread unfair trading practice practices with a cross-border dimension to bring about the cessation of that unfair trading practice.	widespread unfair trading practice practices with a cross-border dimension to bring about the cessation of that unfair trading practice. Text Origin: Council Mandate
Article 16(2)				
112	2. Enforcement measures pursuant to paragraph 1 shall be taken by the enforcement authorities in accordance with the national rules of their Member State and in a coordinated manner to bring about the cessation of the widespread unfair trading practice with a cross-border dimension.	2. Enforcement measures pursuant to paragraph 1 shall be taken by the enforcement authorities in accordance with the national rules of their Member State and in a coordinated manner to bring about the cessation of the widespread unfair trading practice with a cross-border dimension.	2. Enforcement measures pursuant to paragraph 1 shall be taken by the enforcement authorities in accordance with the national rules of their Member State and in a coordinated manner to bring about the cessation of the widespread unfair trading practice with a cross-border dimension.	2. Enforcement measures pursuant to paragraph 1 shall be taken by the enforcement authorities in accordance with the national rules of their Member State and in a coordinated manner to bring about the cessation of the widespread unfair trading practice with a cross-border dimension.

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
	The enforcement authorities concerned by the coordinated action shall seek to take enforcement measures simultaneously in the Member States concerned by that widespread cross-border infringement.	The enforcement authorities concerned by the coordinated action shall seek to take enforcement measures simultaneously in the Member States concerned by that widespread cross-border infringement.	The enforcement authorities concerned by the coordinated action shall seek to take enforcement measures simultaneously in the Member States concerned by that widespread cross-border infringement.	The enforcement authorities concerned by the coordinated action shall seek to take enforcement measures simultaneously in the Member States concerned by that widespread cross-border infringement. <small>Text Origin: Commission Proposal</small>
Article 17				
<small>G</small> 113	Article 17 Cessation of coordinated action	Article 17 Cessation of coordinated action	Article 17 Cessation of coordinated action	Article 17 Cessation of coordinated action

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
				Text Origin: Commission Proposal
Article 17(1)				
114	1. A coordinated action shall cease if the enforcement authorities concerned by the coordinated action conclude that the widespread unfair trading practice with a cross-border dimension has ceased in all Member States concerned, or that no such widespread unfair trading practice with a cross-border dimension was committed.	1. A coordinated action shall cease if the enforcement authorities concerned by the coordinated action conclude that the widespread unfair trading practice with a cross-border dimension has ceased in all Member States concerned, or that no such widespread unfair trading practice with a cross-border dimension was committed.	1. A coordinated action shall cease if the enforcement authorities concerned by the coordinated action conclude that the widespread unfair trading practice with a cross-border dimension has ceased in all Member States concerned, or that no such widespread unfair trading practice with a cross-border dimension was committed.	1. A coordinated action shall cease if the enforcement authorities concerned by the coordinated action conclude that the widespread unfair trading practice with a cross-border dimension has ceased in all Member States concerned, or that no such widespread unfair trading practice with a cross-border dimension was committed. Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 17(2)				
G 115	2. The coordinator referred to in Article 13(2) shall notify, where applicable, the enforcement authorities of the Member States concerned by the coordinated action of the cessation of the coordinated action without delay.	2. The coordinator referred to in Article 13(2) shall notify, where applicable <u>and without undue delay</u> , the enforcement authorities of the Member States concerned by the coordinated action <u>and the Commission</u> of the cessation of the coordinated action without delay .	2. The coordinator referred to in Article 13(2) shall notify, where applicable, the enforcement authorities of the Member States concerned by the coordinated action of the cessation of the coordinated action without delay.	2. The coordinator referred to in Article 13(2) shall notify, where applicable <u>and without delay</u> , the enforcement authorities of the Member States concerned by the coordinated action <u>and the Commission</u> of the cessation of the coordinated action without delay . Text Origin: EP Mandate
Article 18				
G 116	Article 18 Role of the coordinator	Article 18 Role of the coordinator	Article 18 Role of the coordinator	Article 18 Role of the coordinator

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 18(1)				
117	1. The coordinator appointed in accordance with Article 13 shall in particular:	1. The coordinator appointed in accordance with Article 13 shall in particular:	1. The coordinator appointed in accordance with Article 13 shall in particular:	1. The coordinator appointed in accordance with Article 13 shall in particular: Text Origin: Commission Proposal
Article 18(1), point (a)				
118	(a) ensure that the enforcement authorities concerned are duly informed, in a timely manner, of the progress of the	(a) ensure that the enforcement authorities concerned <u>and the Commission</u> are duly informed, in a timely manner, of	(a) ensure that the enforcement authorities concerned are duly informed, in a timely manner, of the progress of the	(a) ensure that the enforcement authorities concerned are duly informed, in a timely manner, of the progress of the

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
	investigation or of the enforcement action, and informed of any anticipated next steps and the measures to be adopted;	the progress of the investigation or of the enforcement action, and informed of any anticipated next steps and the measures to be adopted;	investigation or of the enforcement action, and informed of any anticipated next steps and the measures to be adopted;	investigation or of the enforcement action, and informed of any anticipated next steps and the measures to be adopted; <small>Text Origin: Council mandate/Commission Proposal</small>
Article 18(1), point (b)				
<small>G</small> 119	(b) coordinate and monitor the investigation measures taken by the enforcement authorities concerned in accordance with this Regulation;	(b) coordinate and monitor the investigation measures taken by the enforcement authorities concerned in accordance with this Regulation;	(b) coordinate and monitor the investigation measures taken by the enforcement authorities concerned in accordance with this Regulation;	(b) coordinate and monitor the investigation measures taken by the enforcement authorities concerned in accordance with this Regulation; <small>Text Origin: Commission Proposal</small>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 18(1), point (c)				
120	(c) coordinate the preparation and sharing of all necessary documents among the enforcement authorities concerned;	(c) coordinate the preparation and sharing of all necessary documents among the enforcement authorities concerned;	(c) coordinate the preparation and sharing of all necessary documents among the enforcement authorities concerned;	(c) coordinate the preparation and sharing of all necessary documents among the enforcement authorities concerned; Text Origin: Commission Proposal
Article 18(1), point (d)				
121	(d) maintain contact with the buyer and other parties concerned by the investigation or enforcement measures, as applicable, unless otherwise agreed by the enforcement	(d) <u>inform the buyer or buyers about the launch of a coordinated action and</u> maintain contact with the buyer <u>or buyers</u> and other parties concerned by the investigation or enforcement measures, as applicable, unless	(d) inform the buyer or buyers about the launch of a coordinated action and maintain contact with the buyer or buyers and other parties concerned by the investigation or enforcement measures, as applicable, unless	(d) <u>inform the buyer or buyers about the launch of a coordinated action and</u> maintain contact with the buyer <u>or buyers</u> and other parties concerned by the investigation or enforcement measures, as applicable, unless

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
	authorities concerned and the coordinator;	otherwise agreed by the enforcement authorities concerned and the coordinator;	otherwise agreed by the enforcement authorities concerned and the coordinator;	otherwise agreed by the enforcement authorities concerned and the coordinator; <small>Text Origin: EP and Council Mandate</small>
Article 18(1), point (e)				
<small>G</small> 122	(e) where applicable, coordinate the assessment, the consultations and the monitoring by the enforcement authorities concerned as well as other steps necessary to implement the commitments proposed by the buyer concerned;	(e) where applicable, coordinate the assessment, the consultations and the monitoring by the enforcement authorities concerned as well as other steps necessary to implement the commitments proposed by the buyer concerned;	(e) where applicable, coordinate the assessment, the consultations and the monitoring by the enforcement authorities concerned as well as other steps necessary to implement the commitments proposed by the buyer concerned;	(e) where applicable, coordinate the assessment, the consultations and the monitoring by the enforcement authorities concerned as well as other steps necessary to implement the commitments proposed by the buyer concerned;

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
				Text Origin: Commission Proposal
Article 18(1), point (f)				
123	(f) where applicable, coordinate enforcement measures adopted by the enforcement authorities concerned;	(f) where applicable, coordinate enforcement measures adopted by the enforcement authorities concerned;	(f) where applicable, coordinate enforcement measures adopted by the enforcement authorities concerned;	(f) where applicable, coordinate enforcement measures adopted by the enforcement authorities concerned; Text Origin: Commission Proposal
Article 18(1), point (g)				
124	(g) coordinate requests for mutual assistance submitted by the enforcement authorities concerned pursuant to Chapter III.	(g) coordinate requests for mutual assistance submitted by the enforcement authorities concerned pursuant to Chapter III.	(g) coordinate requests for mutual assistance submitted by the enforcement authorities concerned pursuant to Chapter III.	(g) coordinate requests for mutual assistance submitted by the enforcement authorities concerned pursuant to Chapter III.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 18.1a				
G 124a				<p><u><i>The coordinator shall be assisted in the exercise of the tasks set out in paragraph 1, points b), c), e), f) and g) by the other enforcement authorities concerned</i></u></p> <p>text origin: EP mandate (moved from row 94)</p>
Article 18(2)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
125	2. The coordinator shall not be held responsible for the actions or the omissions of the other enforcement authorities concerned when they make use of the powers set out in Article 6 of Directive (EU) 2019/633 and in the rules laid down in this Regulation.	2. The coordinator shall not be held responsible for the actions or the omissions of the other enforcement authorities concerned when they make use of the powers set out in Article 6 of Directive (EU) 2019/633 and in the rules laid down in this Regulation.	2. The coordinator shall not be held responsible for the actions or the omissions of the other enforcement authorities concerned when they make use of the powers set out in Article 6 of Directive (EU) 2019/633 and in the rules laid down in this Regulation.	2. The coordinator shall not be held responsible for the actions or the omissions of the other enforcement authorities concerned when they make use of the powers set out in Article 6 of Directive (EU) 2019/633 and in the rules laid down in this Regulation. Text Origin: Commission Proposal
Article 19				
126	Article 19 Alerts	Article 19 Alerts	Article 19 Alerts	Article 19 Alerts <u>Alert system</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 19(1)				
127	1. An enforcement authority shall without delay alert the Commission and the other enforcement authorities that a widespread unfair trading practice with a cross-border dimension may be taking place.	1. An enforcement authority shall without delay alert the Commission and the other enforcement authorities that a widespread unfair trading practice with a cross-border dimension may <u>might</u> be taking place, <u>regardless of whether it is only taking place within the Union or is taking place both within the Union and in one or more third countries. For that purpose, the enforcement authority shall use the system laid down in Article 8,</u>	1. An enforcement authority shall without delay alert the Commission and the other enforcement authorities that a widespread unfair trading practice with a cross-border dimension may be taking place.	1. An enforcement authority shall without delay alert the Commission and the <u>all</u> other enforcement authorities that a widespread unfair trading practice with a cross-border dimension may be taking place, <u>regardless of whether it is only taking place within the Union or is taking place both within the Union and in one or more third countries. The Commission may supplement the alert with any information that is likely to facilitate rapid,</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u><i>which shall apply mutatis mutandis.</i></u>		<u><i>appropriate action by enforcement authorities.</i></u>
Article 19(2)				
128	2. The enforcement authority shall, when issuing an alert referred to in paragraph 1, provide information about the suspected widespread unfair trading practice with a cross-border dimension covered by this Regulation, including, the following:	2. <i>The enforcement authority shall, when issuing an alert referred to in paragraph 1, provide information about the suspected widespread unfair trading practice with a cross-border dimension covered by this Regulation, including, the following:</i>	2. The enforcement authority shall, when issuing an alert referred to in paragraph 1, provide information about the suspected widespread unfair trading practice with a cross-border dimension covered by this Regulation, including, the following:	2. The enforcement authority shall, when issuing an alert referred to in paragraph 1, provide information about the suspected widespread unfair trading practice with a cross-border dimension covered by this Regulation, including, the following: <small>Text Origin: Council mandate/Commission Proposal</small>
Article 19(2), point (a)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 129	(a) a description of the widespread unfair trading practice with a cross-border dimension;	(a) a description of the widespread unfair trading practice with a cross border dimension;	(a) a detailed description of the widespread unfair trading practice with a cross-border dimension;	(a) a <u>detailed</u> description of the widespread unfair trading practice with a cross-border dimension; Text Origin: Council Mandate
Article 19(2), point (b)				
G 130	(b) details of the subject matter of the widespread unfair trading practice with a cross-border dimension;	(b) details of the subject matter of the widespread unfair trading practice with a cross-border dimension;	(b) details of the subject matter of the widespread unfair trading practice with a cross-border dimension;	(b) details of the subject matter of the widespread unfair trading practice with a cross-border dimension; Text Origin: EP and Council mandate
Article 19(2), point (c)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 131	(c) the Member States concerned or possibly concerned by the widespread unfair trading practice with a cross-border dimension;	(c) the Member States concerned or possibly concerned by the widespread unfair trading practice with a cross-border dimension;	(c) the Member States concerned or possibly concerned by the widespread unfair trading practice with a cross-border dimension;	(c) the Member States concerned or possibly concerned by the widespread unfair trading practice with a cross-border dimension; Text Origin: Council mandate/Commission Proposal
Article 19(2), point (d)				
G 132	(d) the identity of the buyer or buyers suspected of committing the widespread unfair trading practice with a cross-border dimension;	(d) the identity of the buyer or buyers suspected of committing the widespread unfair trading practice with a cross-border dimension;	(d) the identity of the buyer or buyers suspected of committing the widespread unfair trading practice with a cross-border dimension;	(d) the identity of the buyer or buyers suspected of committing the widespread unfair trading practice with a cross-border dimension;

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Council mandate/Commission Proposal
Article 19(2), point (e)				
133	(e) the unfair trading practice concerned under Directive (EU) 2019/633 and by reference to national law;	(e) the unfair trading practice concerned under Directive (EU) 2019/633 and by reference to national law;	(e) the unfair trading practice concerned under Directive (EU) 2019/633 and by reference to national law;	(e) the unfair trading practice concerned under Directive (EU) 2019/633 and by reference to national law; Text Origin: Council mandate/Commission Proposal
Article 19(2), point (f)				
134	(f) a description of any legal proceedings, enforcement measures or other measures taken concerning the widespread unfair	(f) a description of any legal proceedings, enforcement measures or other measures taken concerning the widespread unfair	(f) a description of any legal proceedings, enforcement measures or other measures taken concerning the widespread unfair	(f) a description of any legal proceedings, enforcement measures or other measures taken concerning the widespread unfair

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	trading practice with a cross-border dimension and their dates and duration, as well as the status thereof;	trading practice with a cross-border dimension and their dates and duration, as well as the status thereof;	trading practice with a cross-border dimension and their dates and duration, as well as the status thereof;	trading practice with a cross-border dimension and their dates and duration, as well as the status thereof; Text Origin: Council mandate/Commission Proposal
Article 19(2), point (g)				
G 135	(g) the identities of the enforcement authorities bringing the proceedings and taking other measures.	(g) the identities of the enforcement authorities bringing the proceedings and taking other measures.	(g) the identities of the enforcement authorities bringing the proceedings and taking other measures.	(g) the identities of the enforcement authorities bringing the proceedings and taking other measures; Text Origin: Council mandate/Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 19(3)				
136	<p>3. The enforcement authority may, when issuing an alert, request enforcement authorities in other Member States to verify whether, based on information that is available or easily accessible to the relevant enforcement authorities, the same widespread unfair trading practices may be taking place in the territory of those other Member States or whether any proceedings are pending or any enforcement measures have already been taken against such unfair trading practices in those Member States. The enforcement authorities in</p>	<p>3. The enforcement authority may, when issuing an alert, request enforcement authorities in other Member States to verify whether, based on information that is available or easily accessible to the relevant enforcement authorities, the same widespread unfair trading practices may be taking place in the territory of those other Member States or whether any proceedings are pending or any enforcement measures have already been taken against such unfair trading practices in those Member States. The enforcement authorities in those other Member</p>	<p>3. The enforcement authority may, when issuing an alert, request enforcement authorities in other Member States to verify whether, based on information that is available or easily accessible to the relevant enforcement authorities, the same widespread unfair trading practicespractice with a cross-border dimension may be taking place in the territory of those other Member States or whether any proceedings are pending or any enforcement measures have already been taken against suchthat unfair trading practicespractice in those Member States. The enforcement</p>	<p>3. The enforcement authority may, when issuing an alert, request enforcement authorities in other Member States to verify whether, based on information that is available or easily accessible to the relevant enforcement authorities, the same widespread unfair trading practicespractice <u>with a cross-border dimension</u> may be taking place in the territory of those other Member States or whether any proceedings are pending or any enforcement measures have already been taken against suchthat unfair trading practicespractice in those Member States. The enforcement</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	those other Member States shall reply to the request without delay.	States shall reply to the request without delay.	authorities in those other Member States shall reply to the request without delay.	authorities in those other Member States shall reply to the request without delay. Text Origin: Council Mandate
Article 20				
137	Article 20 Language arrangements	Article 20 Language arrangements	Article 20 Language arrangements	Article 20 Language arrangements Text Origin: Commission Proposal
Article 20(1)				
138	1. The languages used by the enforcement authorities for	1. The languages used by the enforcement authorities for	1. The languages used by the enforcement authorities for	1. The languages used by the enforcement authorities for

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
	notifications, as well as for all other communications covered by this Chapter which are linked to the coordinated actions, shall be agreed upon by the enforcement authorities concerned.	notifications, as well as for all other communications covered by this Chapter which are linked to the coordinated actions, shall be agreed upon by the enforcement authorities concerned.	notifications, as well as for all other communications covered by this Chapter which are linked to the coordinated actions, shall be agreed upon by the enforcement authorities concerned.	notifications, as well as for all other communications covered by this Chapter which are linked to the coordinated actions, shall be agreed upon by the enforcement authorities concerned. <small>Text Origin: Commission Proposal</small>
Article 20(2)				
<small>G</small> 139	2. If no agreement can be reached between the enforcement authorities concerned, notifications and other communications shall be sent in the official language or one of the official languages of the Member	2. If no agreement can be reached between the enforcement authorities concerned, notifications and other communications shall be sent in the official language or one of the official languages of the Member	2. If no agreement can be reached between the enforcement authorities concerned, notifications and other communications shall be sent in the official language or one of the official languages of the Member	2. If no agreement can be reached between the enforcement authorities concerned, notifications and other communications shall be sent in the official language or one of the official languages of the Member <small>G</small>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	State making the notification or other communication.	State making the notification or other communication, <u><i>accompanied by a courtesy translation in English.</i></u>	State making the notification or other communication.	State making the notification or other communication, <u><i>accompanied by a courtesy translation in English, if requested.</i></u> Text Origin: EP Mandate
Chapter IVa				
G 139a			Chapter IVa Cooperation in relation to buyers established outside the Union	<u><i>Chapter -V</i></u> <u><i>Cooperation in relation to suppliers or buyers established outside the Union</i></u> Text Origin: Council Mandate

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 20a, title								
G	139b			<u>Article 20a</u> <u>Cooperation in relation to suppliers or buyers established outside the Union</u>		Article 20a Cooperation in relation to buyers established outside the Union		<u>Article 20a</u> <u>Cooperation in relation to suppliers or buyers established outside the Union</u> Text Origin: EP Mandate
Article 20a, paragraph 1								
G	139c			<u>1. This Article applies to unfair trading practices within the meaning of Article 3(1) and (2) of Directive (EU) 2019/633 with a cross-border dimension that occur between buyers and suppliers referred to in Article</u>		In relation to unfair trading practices laid down in Article 3(1) and (2) of Directive (EU) 2019/633 with a cross-border dimension which occur in relation to sales of agricultural and food products		<u>In relation to unfair trading practices laid down in Article 3(1) and (2) of Directive (EU) 2019/633 which occur in relation to sales of agricultural and food products between buyers and suppliers referred to in</u>

	CLEAN	Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			<u>1(2) of Directive (EU) 2019/633 where either the supplier or the buyer is established outside the Union.</u>	between buyers and suppliers referred to in Article 1(2) of Directive (EU) 2019/633 where the buyers are established outside the Union an enforcement authority may:	<u>Article 1(2) of Directive (EU) 2019/633 where the suppliers or buyers are established outside the Union, an enforcement authority may:</u> Text Origin: Council Mandate
Article 20a, point (a)					
g 139d			<u>2 With a view to establishing whether an unfair trading practice has occurred or is occurring in the territory of its Member State, an enforcement authority may request information from an enforcement authority of another Member State. Article 4a, Article 5(1), (2)</u>	(a) request information from an enforcement authority of another Member State to establish whether an unfair trading practice has occurred or is occurring in the Member State of the applicant enforcement authority. For such a request, Articles 4a, 5(1), (2)	<u>(a) request information from an enforcement authority of another Member State to establish whether an unfair trading practice has occurred or is occurring in the Member State of the applicant enforcement authority. For such a request, Articles 4a, 5(1), (2) and (3), 7a,</u>

	CLEAN	Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			<u>and (3), Article 7a, Article 8, Article 9, Article 10(1) and Article 11 shall apply to such requests mutatis mutandis.</u>	and (3), 7a, 8, 9, 10(1) and 11 shall apply mutatis mutandis.	<u>8, 9, 10(1) and 11 shall apply mutatis mutandis.</u> Text Origin: Council Mandate
Article 20a(b)					
G	139e		<u>3 When it suspects that an unfair trading practice by a buyer, irrespective of its place of establishment, takes place and that unfair trading practice might occur in at least three Member States, an enforcement authority may alert the Commission and other enforcement authorities concerned of those suspicions. Article 4(a), Article 19 and Article</u>	(b) alert the Commission and other enforcement authorities concerned when it suspects that an unfair trading practice by a buyer established outside the Union takes place and that that unfair trading practice may concern suppliers established in at least three Member States. For such alerts, Articles 4a, 19 (2) and (3) and 20 shall apply mutatis mutandis.	<u>(b) alert the Commission and other enforcement authorities concerned when it suspects that an unfair trading practice towards a supplier established outside the Union or by a buyer established outside the Union takes place and that that unfair trading practice may concern buyers or suppliers established in at least three Member States. For such alerts, Articles 4a, 19 (2)</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>20 shall apply to those alerts mutatis mutandis.</u>			<u>and (3) and 20 shall apply mutatis mutandis.</u>	Text Origin: Council Mandate
	Article 20(b), title							
G	139f			<u>Article 20b</u> <u>Reporting</u>				Text Origin: EP Mandate
	Article 20(b), paragraph 1							
G	139g			<u>1 Member States shall ensure that their enforcement authorities include in the annual report referred to in Article 10(2) of Directive (EU) 2019/633 details</u>				Text Origin: EP Mandate

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<p><i><u>of any of their activities falling within the scope of this Regulation. Those details shall, inter alia, include the number of requests received by applicant enforcement authorities, in accordance with Articles 5, 6, 7 and 9 of this Regulation, as well as the number of coordinated actions for widespread unfair trading practices with a cross-border dimension, in accordance with Article 13 of this Regulation, opened or closed during the previous year. For each request or action that has been concluded, the report shall contain a summary description of the matter and of the steps and measures taken.</u></i></p>		

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement	
Article 20b									
G	139h							<u>Article 20b</u> <u>Contact person responsible for the EU</u>	G
Article 20b(1)									
G	139i							<u>1. Where an enforcement authority takes investigative measures against a buyer established outside the Union in relation to an unfair trading practices laid down in Article 3(1) and (2) of Directive (EU) 2019/633, and if it considers that the buyer is not cooperatiing with it, it may request the buyer to designate as its contact person</u>	G

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>responsible for the EU a natural or legal person established within the territory of the European Union.</u>
		Article 20b(2)						
G		139j						<u>2. The contact person responsible for the EU referred to in paragraph 1 shall:</u>
		Article 20b(2), point (a)						
G		139k						<u>(a) act as the primary point of contact for that enforcement authority;</u>
		Article 20b(2), point (b)						

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 139l				<u>(b) facilitate investigations, including by providing the requested documents, records of transactions, data and witness statements to that enforcement authority</u>
Article 20b(3)				
G 139m				<u>3. Where the buyer established outside the Union does not fulfil the request referred to in paragraph 1 the enforcement authority that issued the request shall without delay alert the Commission and all other enforcement authorities that that buyer has failed to designate a contact person responsible for the EU. The</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>Commission may supplement the alert with any information that is likely to facilitate rapid, appropriate action by enforcement authorities.</u>
CHAPTER V				
140	CHAPTER V PROCEDURAL PROVISIONS		CHAPTER V PROCEDURAL PROCEDURAL PROVISIONS	CHAPTER V PROCEDURAL <u>PROCEDURAL</u> PROVISIONS Text Origin: EP Mandate
Article 20c				
140a			Article 20b Implementing powers	<u>Article 20c</u> <u>Implementing powers</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Council Mandate
Article 20c paragraph				
G 140b			The Commission may adopt implementing acts laying down:	<u>The Commission may adopt implementing acts laying down standard forms for the requests for mutual assistance pursuant to Article 9(2);</u> Text Origin: Council Mandate
Article 20c(a)				
G 140c			(a) standard forms for the requests for mutual assistance pursuant to Article 9(2);	

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 20c(b)								
g	140d					(b) arrangements for the management of the notifications and communications among the enforcement authorities pursuant to Articles 8, 9, 13,14, 15, 17, 19 and 20a.		G
Article 20c second paragraph								
g	140e					The implementing acts referred to in the first paragraph shall be adopted in accordance with the examination procedure referred to in Article 21.	<u><i>The implementing acts referred to in the first paragraph shall be adopted in accordance with the examination procedure referred to in Article 21.</i></u> Text Origin: Council Mandate	G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 21				
141	Article 21 Committee procedure	Article 21 Committee procedure	Article 21 Committee procedure	Article 21 Committee procedure <small>Text Origin: Commission Proposal</small>
Article 21(1)				
142	1. The Commission shall be assisted by the Committee for the Common Organisation of the Agricultural Markets established by Article 229 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ¹ . That Committee shall be a	1. The Commission shall be assisted by the Committee for the Common Organisation of the Agricultural Markets established by Article 229 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ¹ . That Committee shall be a	1. The Commission shall be assisted by the Committee for the Common Organisation of the Agricultural Markets established by Article 229 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ¹ . That Committee shall be a	1. The Commission shall be assisted by the Committee for the Common Organisation of the Agricultural Markets established by Article 229 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ¹ . That Committee shall be a

	CLEAN Commission Proposal	vs.EC EP Mandate	vs.EC Council Mandate	vs.EC Draft Agreement
	<p>committee within the meaning of Regulation (EU) No 182/2011.</p> <p>_____</p> <p>1. Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671, ELI: http://data.europa.eu/eli/reg/2013/1308/oj)</p> <p>.</p>	<p>committee within the meaning of Regulation (EU) No 182/2011.</p> <p>_____</p> <p>1. Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671, ELI: http://data.europa.eu/eli/reg/2013/1308/oj)</p> <p>.</p>	<p>committee within the meaning of Regulation (EU) No 182/2011.</p> <p>_____</p> <p>1. [1] Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671, ELI: http://data.europa.eu/eli/reg/2013/1308/oj)</p> <p>.</p>	<p>committee within the meaning of Regulation (EU) No 182/2011.</p> <p>_____</p> <p>1. Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671, ELI: http://data.europa.eu/eli/reg/2013/1308/oj)</p> <p>.</p> <p>Text Origin: Commission Proposal</p>
Article 21(2)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 143	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.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Text Origin: Commission Proposal
Article 21(a), title				
G 143a		<u>Article 21a</u> <u>Evaluation</u>		<u>Article 21a</u> <u>Reporting obligation of the Commission</u>
Article 21(a), paragraph 1, first subparagraph				
G 143b		<u>1</u> <u>By ... [+ 3 years from the adoption of this Regulation], the</u>		<u>1</u> <u>By 4 years from the application of this Regulation, the</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<p><u>Commission shall carry out the first evaluation of this Regulation and shall present a report on the main findings of that evaluation to the European Parliament and to the Council, as well as to the European Economic and Social Committee and the Committee of the Regions. That report shall be accompanied, if appropriate, by a legislative proposal.</u></p>		<p><u>Commission shall present a report on the application of this Regulation to the European Parliament and to the Council, as well as to the European Economic and Social Committee and the Committee of the Regions. The Commission shall take this report into account when carrying out the evaluation of Directive (EU) 2019/633. That evaluation shall be accompanied if appropriate by a legislative proposal concerning this Regulation.</u></p> <p>Text Origin: EP Mandate</p>
Article 21(a), paragraph 1, second subparagraph				

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	143c			<u><i>The Commission shall base the report on the annual reports referred to in Article 10(2) of of Directive (EU) 2019/633. The Commission may, if necessary, request additional information from Member States.</i></u>				<u><i>2 The Commission shall base the report on the annual reports referred to in Article 10(2) of Directive (EU) 2019/633. The Commission may, if necessary, request additional information from Member States.</i></u> Text Origin: EP Mandate
Article 21(a), paragraph 2								
G	143d			<u><i>2 That report shall include an assessment of:</i></u>				<u><i>2 That report shall describe the evolution of the cooperation mechanisms established under this Regulation and of enforcement activity, in particular the identification of the most frequent types of cross-border</i></u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>unfair trading practices, the most affected sectors, and buyer or buyers' types, including those established outside the Union, most commonly involved.</u> Text Origin: EP Mandate
Article 21(a), paragraph 2, point a								
G	143e		a	<u>the effectiveness and proportionality of the cooperation mechanisms established under this Regulation in enforcing the rules laid down in Directive (EU) 2019/633;</u>				Text origin: Council mandate/Commission proposal
Article 21(a), paragraph 2, point b								

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
g	143f			<u><i>b any significant changes in the level of administrative burden and compliance costs for Member States and businesses, especially small and medium-sized enterprises and primary producers;</i></u>				Text origin: Council mandate/Commission proposal
Article 21(a), paragraph 2, point c								
g	143g			<u><i>c the evolution of enforcement activity, including the identification of the most frequent types of cross-border unfair trading practices, the most affected sectors, and buyer or buyers types most commonly involved.</i></u>				Text origin: Council mandate/Commission proposal
Article 21aa								

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 143h				<u>Article 21aa</u> <u>Reporting by Member States</u>
Article 21aa(1)				
G 143i				<u>The annual report referred to in Article 10(1) of Directive (EU) 2019/633 shall include details of any of the activities falling within the scope of this Regulation. Those details shall, inter alia, include the number of requests received by applicant enforcement authorities, in accordance with Articles 5, 6, 7 and 9 of this Regulation, as well as the number of coordinated actions for</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>widespread unfair trading practices with a cross-border dimension, in accordance with Article 13 of this Regulation, opened or closed during the previous year. For each request or action that has been concluded, the report shall contain a summary description of the matter and of the steps and measures taken.</u>
Article 21b				
g 143j				<u>Article 21b</u> <u>Internal Market Information System</u>
Article 21(2k)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 143k				<p><u>The Internal Market Information System (IMI), established by Regulation (EU) No 1024/2012¹, shall be used for the purposes of Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Article 12a, Article 12b, Article 12c, Article 13, Article 14, Article 15, Article 16, Article 17, Article 19, Article 20a and Article 20b of this Regulation</u></p> <hr/> <p><u>1. Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC (‘the IMI Regulation’), OJ L 316, 14.11.2012, pp. 1–11</u></p>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 21(2l)								
G	143l							<u>Article 21c</u> <u>Delegations of power</u>
Article 21(2m)								
G	143m							<u>The Commission shall be empowered to adopt delegated acts to amend article 21b concerning the tool for the management of the notifications and communications among the enforcement authorities to take account of future technical needs.</u>
Article 21a								
G	143n							<u>Article 21d</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u><i>Exercise of the delegation</i></u>
Article 21a(1)				
G 143o				<u><i>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</i></u>
Article 21a(2)				
G 143p				<u><i>2. The power to adopt delegated acts referred to in Article 21c shall be conferred on the Commission for a period of 5 years from ... [date of entry into force of the basic legislative act].</i></u>
Article 21a(3)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 143q				<p><u>3. The delegation of power referred to in Article(s) ... 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.</u></p>
Article 21a(4)				
G 143r				<p><u>4. Before adopting a delegated act, the Commission</u></p>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.</u>
		Article 21a(5)						
G		143s						<u>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</u>
		Article 21a(6)						
G		143t						<u>6. A delegated act adopted pursuant to Article(s) ... shall enter into force only if no</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>objection has been expressed</u> <u>either by the European</u> <u>Parliament or by the Council</u> <u>within a period of [two months]</u> <u>of notification of that act to the</u> <u>European Parliament and the</u> <u>Council or if, before the expiry of</u> <u>that period, the European</u> <u>Parliament and the Council have</u> <u>both informed the Commission</u> <u>that they will not object. That</u> <u>period shall be extended by [two</u> <u>months] at the initiative of the</u> <u>European Parliament or of the</u> <u>Council.</u>
		CHAPTER VI						
G	144	CHAPTER VI		CHAPTER VI		CHAPTER VI		CHAPTER VI

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
	FINAL PROVISIONS	FINAL PROVISIONS	FINAL PROVISIONS	FINAL PROVISIONS <small>Text Origin: Commission Proposal</small>
Article 22				
<small>G</small> 145	Article 22 Entry into force and application	Article 22 Entry into force and application	Article 22 Entry into force and application	Article 22 Entry into force and application <small>Text Origin: Commission Proposal</small>
Article 22, first paragraph				
<small>G</small> 146	This Regulation shall enter into force on the twentieth day	This Regulation shall enter into force on the twentieth day	This Regulation shall enter into force on the twentieth day	This Regulation shall enter into force on the twentieth day

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	following that of its publication in the Official Journal of the European Union.	following that of its publication in the Official Journal of the European Union.	following that of its publication in the Official Journal of the European Union Official Journal of the European Union.	following that of its publication in the Official Journal of the European Union Official Journal of the European Union. Text Origin: Council Mandate
Article 22, second paragraph				
G 147	It shall apply from [+ 1 year from the adoption].	It shall apply from [+ 1 year from the adoption].	It shall apply from [+ 1 year 18 months from the adoption entry into force].	It shall apply from [+ 1 year 18 months from the adoption entry into force]. Text Origin: Council Mandate
Article 22, third paragraph				

	<div>CLEAN</div> <div>Commission Proposal</div>	<div>VS.EC</div> <div>EP Mandate</div>	<div>VS.EC</div> <div>Council Mandate</div>	<div>VS.EC</div> <div>Draft Agreement</div>
G	148	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States. <div>Text Origin: Commission Proposal</div>
Formula				
G	149	Done at Brussels,	Done at Brussels,	Done at Brussels, <div>Text Origin: Commission Proposal</div>
Formula				
G	150	For the European Parliament	For the European Parliament	For the European Parliament

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
	Formula			
G 151	The President	The President	The President	The President Text Origin: Commission Proposal
	Formula			
G 152	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
Formula				
<small>G</small> 153	The President	The President	The President	The President <small>Text Origin: Commission Proposal</small>