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2020/0374(COD)

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PUBLIC

NOTE

Origine:	Secrétariat général du Conseil
Destinataire:	Comité des représentants permanents
N° doc. Cion:	14172/20 + ADD 1-4
Objet:	Proposition de RÈGLEMENT DU PARLEMENT EUROPÉEN ET DU CONSEIL relatif aux marchés contestables et équitables dans le secteur numérique (législation sur les marchés numériques) - Préparation du trilogue

Les délégations trouveront, ci-joint le tableau 4 colonnes en vue de la préparation du 4ème trilogue sur la *Proposition de règlement du Parlement européen et du Conseil relatif aux marchés contestables dans le secteur numérique (législation sur les marchés numériques)* qui aura lieu le 24 mars 2022.

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Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on contestable and fair markets in the digital sector (Digital Markets Act) (Text with EEA relevance)

2020/0374(COD)
Non-versioned [LATEST TEXT]
18-03-2022 at 15h47

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Formula					
G	1	2020/0374 (COD)	2020/0374 (COD)	2020/0374 (COD)	2020/0374 (COD)	G
	Proposal Title					
G	2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on contestable and fair markets in the digital sector (Digital Markets Act) (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on contestable and fair markets in the digital sector (Digital Markets Act) (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on contestable and fair markets in the digital sector (Digital Markets Act) (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on contestable and fair markets in the digital sector (Digital Markets Act) (Text with EEA relevance)	G
	Formula					
G	3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE	G

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	EUROPEAN UNION,	EUROPEAN UNION,	EUROPEAN UNION,	EUROPEAN UNION,
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,
Citation 2				
5	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,	Having regard to the proposal from the European Commission,
Citation 3				
6	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,
Citation 4				
7	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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Citation 5				
8	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .
Citation 6				
9	Having regard to the opinion of the European Data Protection Supervisor[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the European Data Protection Supervisor[1], _____ 1. OJ C , , p. .	*deleted*	~~*Having regard to the opinion of the European Data Protection Supervisor*~~[1]~~,~~***deleted*** _____ ~~*1. OJ C , , p. .*~~
Citation 7				
10	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,
Formula				
11	Whereas:	Whereas:	Whereas:	Whereas:
Recital 1				

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12	(1) Digital services in general and online platforms in particular play an increasingly important role in the economy, in particular in the internal market, by providing new business opportunities in the Union and facilitating cross-border trading.	(1) Digital services in general and online platforms in particular play an increasingly important role in the economy, in particular in the internal market, by providing ***business users with gateways to reach end users throughout the Union and beyond, by facilitating cross-border trade and by opening entirely*** new business opportunities ***to a large number of companies*** in the Union ~~*and facilitating cross-border trading*~~***to the benefit of Union's consumers***.	(1) Digital services in general and online platforms in particular play an increasingly important role in the economy, in particular in the internal market, by providing new business opportunities in the Union and facilitating cross-border trading.	(1) Digital services in general and online platforms in particular play an increasingly important role in the economy, in particular in the internal market, by providing ***business users with gateways to reach end users throughout the Union and beyond, by facilitating cross-border trade and by opening entirely*** new business opportunities ***to a large number of companies*** in the Union ~~*and facilitating cross-border trading*~~***to the benefit of Union's consumers***.
Recital 2				
13	(2) Core platform services, at the same time, feature a number of characteristics that can be exploited by their providers. These characteristics of core platform services include among others extreme scale economies, which often	(2) Core platform services, at the same time, feature a number of characteristics that can be exploited by their providers. These characteristics of core platform services include among others extreme scale economies, which often	(2) Core platform services, at the same time, feature a number of characteristics that can be exploited by ~~*their providers*~~***the undertakings providing them***. These characteristics of core platform services include among others	(2) Core platform services, at the same time, feature a number of characteristics that can be exploited by ~~*their providers*~~***the undertakings providing them***. These characteristics of core platform services include among others

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	result from nearly zero marginal costs to add business users or end users. Other characteristics of core platform services are very strong network effects, an ability to connect many business users with many end users through the multi-sidedness of these services, a significant degree of dependence of both business users and end users, lock-in effects, a lack of multi-homing for the same purpose by end users, vertical integration, and data driven-advantages. All these characteristics combined with unfair conduct by providers of these services can have the effect of substantially undermining the contestability of the core platform services, as well as impacting the fairness of the commercial relationship between providers of such services and their business users and end users, leading to rapid and potentially far-reaching decreases in	result from nearly zero marginal costs to add business users or end users. Other characteristics of core platform services are very strong network effects, an ability to connect many business users with many end users through the multi-sidedness of these services, a significant degree of dependence of both business users and end users, lock-in effects, a lack of multi-homing for the same purpose by end users, vertical integration, and data driven-advantages. All these characteristics combined with unfair conduct by providers of these services can have the effect of substantially undermining the contestability of the core platform services, as well as impacting the fairness of the commercial relationship between providers of such services and their business users and end users, leading to rapid and potentially far-reaching decreases in	extreme scale economies, which often result from nearly zero marginal costs to add business users or end users. Other characteristics of core platform services are very strong network effects, an ability to connect many business users with many end users through the multi-sidedness of these services, a significant degree of dependence of both business users and end users, lock-in effects, a lack of multi-homing for the same purpose by end users, vertical integration, and data driven-advantages. All these characteristics combined with unfair conduct by ~~*providers of*~~***undertakings providing*** these services can have the effect of substantially undermining the contestability of the core platform services, as well as impacting the fairness of the commercial relationship between ~~*providers of*~~***undertakings providing***	extreme scale economies, which often result from nearly zero marginal costs to add business users or end users. Other characteristics of core platform services are very strong network effects, an ability to connect many business users with many end users through the multi-sidedness of these services, a significant degree of dependence of both business users and end users, lock-in effects, a lack of multi-homing for the same purpose by end users, vertical integration, and data driven-advantages. All these characteristics combined with unfair conduct by ~~*providers of*~~***undertakings providing*** these services can have the effect of substantially undermining the contestability of the core platform services, as well as impacting the fairness of the commercial relationship between ~~*providers of*~~***undertakings***

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	business users' and end users' choice in practice, and therefore can confer to the provider of those services the position of a so-called gatekeeper.	business users' and end users' choice in practice, and therefore can confer to the provider of those services the position of a so-called gatekeeper. ***At the same time, it should be recognised that services acting in a non-commercial purpose capacity such as collaborative projects should not be considered as core services for the purpose of this Regulation.***	such services and their business users and end users, leading to rapid and potentially far-reaching decreases in business users' and end users' choice in practice, and therefore can confer to the ~~*provider of*~~***undertakings providing*** those services the position of a so-called gatekeeper.	***undertakings proving*** such services and their business users and end users, leading to rapid and potentially far-reaching decreases in business users' and end users' choice in practice, and therefore can confer to the provider of those services the position of a so-called gatekeeper. ***At the same time, it should be recognised that services acting in a non-commercial purpose capacity such as collaborative projects should not be considered as core platform services for the purpose of this Regulation.***
Recital 3				
14	(3) A small number of large providers of core platform services have emerged with considerable economic power. Typically, they feature an ability to connect many business users with many end users through their services	(3) A small number of large providers of core platform services have emerged with considerable economic power. Typically, they feature an ability to connect many business users with many end users through their services	(3) A small number of large ~~*providers of*~~***undertakings providing*** core platform services have emerged with considerable economic power. Typically, they feature an ability to connect many business users with many end users	(3) A small number of large ~~*providers of*~~***undertakings providing*** core platform services have emerged with considerable economic power. Typically, they feature an ability to connect many business users with many end users

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	which, in turn, allows them to leverage their advantages, such as their access to large amounts of data, from one area of their activity to new ones. Some of these providers exercise control over whole platform ecosystems in the digital economy and are structurally extremely difficult to challenge or contest by existing or new market operators, irrespective of how innovative and efficient these may be. Contestability is particularly reduced due to the existence of very high barriers to entry or exit, including high investment costs, which cannot, or not easily, be recuperated in case of exit, and absence of (or reduced access to) some key inputs in the digital economy, such as data. As a result, the likelihood increases that the underlying markets do not function well – or will soon fail to function well.	which, in turn, allows them to leverage their advantages, such as their access to large amounts of data, from one area of their activity to new ones. Some of these providers exercise control over whole platform ecosystems in the digital economy and are structurally extremely difficult to challenge or contest by existing or new market operators, irrespective of how innovative and efficient these may be. Contestability is particularly reduced due to the existence of very high barriers to entry or exit, including high investment costs, which cannot, or not easily, be recuperated in case of exit, and absence of (or reduced access to) some key inputs in the digital economy, such as data. As a result, the likelihood increases that the underlying markets do not function well – or will soon fail to function well.	through their services which, in turn, allows them to leverage their advantages, such as their access to large amounts of data, from one area of their activity to new ones. Some of these ~~*providers*~~***undertakings*** exercise control over whole platform ecosystems in the digital economy and are structurally extremely difficult to challenge or contest by existing or new market operators, irrespective of how innovative and efficient these may be. Contestability is particularly reduced due to the existence of very high barriers to entry or exit, including high investment costs, which cannot, or not easily, be recuperated in case of exit, and absence of (or reduced access to) some key inputs in the digital economy, such as data. As a result, the likelihood increases that the underlying markets do not	through their services which, in turn, allows them to leverage their advantages, such as their access to large amounts of data, from one area of their activity to new ones. Some of these ~~*providers*~~***undertakings*** exercise control over whole platform ecosystems in the digital economy and are structurally extremely difficult to challenge or contest by existing or new market operators, irrespective of how innovative and efficient these may be. Contestability is particularly reduced due to the existence of very high barriers to entry or exit, including high investment costs, which cannot, or not easily, be recuperated in case of exit, and absence of (or reduced access to) some key inputs in the digital economy, such as data. As a result, the likelihood increases that the underlying markets do not

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			function well – or will soon fail to function well.	function well – or will soon fail to function well.
Recital 4				
15	(4) The combination of those features of gatekeepers is likely to lead in many cases to serious imbalances in bargaining power and, consequently, to unfair practices and conditions for business users as well as end users of core platform services provided by gatekeepers, to the detriment of prices, quality, choice and innovation therein.	(4) The combination of those features of gatekeepers is likely to lead in many cases to serious imbalances in bargaining power and, consequently, to unfair practices and conditions for business users as well as end users of core platform services provided by gatekeepers, to the detriment of prices, quality, ***privacy and security standards, fair competition,*** choice and innovation therein.	(4) The combination of those features of gatekeepers is likely to lead in many cases to serious imbalances in bargaining power and, consequently, to unfair practices and conditions for business users as well as end users of core platform services provided by gatekeepers, to the detriment of prices, quality, choice and innovation therein.	(4) The combination of those features of gatekeepers is likely to lead in many cases to serious imbalances in bargaining power and, consequently, to unfair practices and conditions for business users as well as end users of core platform services provided by gatekeepers, to the detriment of prices, quality, ***fair competition,*** choice and innovation therein.
Recital 5				
16	(5) It follows that the market processes are often incapable of ensuring fair economic outcomes with regard to core platform services. Whereas Articles 101 and 102 TFEU remain applicable to the conduct of	(5) It follows that the market processes are often incapable of ensuring fair economic outcomes with regard to core platform services. Whereas Articles 101 and 102 TFEU remain applicable to the conduct of	(5) It follows that the market processes are often incapable of ensuring fair economic outcomes with regard to core platform services. Whereas Articles 101 and 102 ***of the Treaty on the Functioning of the***	(5) It follows that the market processes are often incapable of ensuring fair economic outcomes with regard to core platform services. Whereas Articles 101 and 102 ***of the Treaty on the Functioning of the***

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	gatekeepers, their scope is limited to certain instances of market power (e.g. dominance on specific markets) and of anti-competitive behaviour, while enforcement occurs ex post and requires an extensive investigation of often very complex facts on a case by case basis. Moreover, existing Union law does not address, or does not address effectively, the identified challenges to the well-functioning of the internal market posed by the conduct of gatekeepers, which are not necessarily dominant in competition-law terms.	gatekeepers, their scope is limited to certain instances of market power (e.g. dominance on specific markets) and of anti-competitive behaviour, while enforcement occurs ex post and requires an extensive investigation of often very complex facts on a case by case basis. Moreover, existing Union law does not address, or does not address effectively, the identified challenges to the well-functioning of the internal market posed by the conduct of gatekeepers, which are not necessarily dominant in competition-law terms.	***European Union (TFEU)*** ~~*TFEU*~~ remain applicable to the conduct of gatekeepers, their scope is limited to certain instances of market power (e.g. dominance on specific markets) and of anti-competitive behaviour, while enforcement occurs ex post and requires an extensive investigation of often very complex facts on a case by case basis. Moreover, existing Union law does not address, or does not address effectively, the identified challenges to the well-functioning of the internal market posed by the conduct of gatekeepers, which are not necessarily dominant in competition-law terms.	***European Union (TFEU)*** ~~*TFEU*~~ remain applicable to the conduct of gatekeepers, their scope is limited to certain instances of market power (e.g. dominance on specific markets) and of anti-competitive behaviour, while enforcement occurs ex post and requires an extensive investigation of often very complex facts on a case by case basis. Moreover, existing Union law does not address, or does not address effectively, the identified challenges to the well-functioning of the internal market posed by the conduct of gatekeepers, which are not necessarily dominant in competition-law terms.
Recital 6				
17	(6) Gatekeepers have a significant impact on the internal market, providing gateways for a large number of business users,	(6) Gatekeepers have a significant impact on the internal market, providing gateways for a large number of business users,	(6) Gatekeepers have a significant impact on the internal market, providing gateways for a large number of business users,	(6) Gatekeepers have a significant impact on the internal market, providing gateways for a large number of business users,

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	to reach end users, everywhere in the Union and on different markets. The adverse impact of unfair practices on the internal market and particularly weak contestability of core platform services, including their negative societal and economic implications, have led national legislators and sectoral regulators to act. A number of national regulatory solutions have already been adopted or proposed to address unfair practices and the contestability of digital services or at least with regard to some of them. This has created a risk of divergent regulatory solutions and thereby fragmentation of the internal market, thus raising the risk of increased compliance costs due to different sets of national regulatory requirements.	to reach end users, everywhere in the Union and on different markets. The adverse impact of unfair practices on the internal market and particularly weak contestability of core platform services, including their negative societal and economic implications, have led national legislators and sectoral regulators to act. A number of ~~*national*~~ regulatory solutions have already been adopted ***at national level*** or proposed to address unfair practices and the contestability of digital services or at least with regard to some of them. This has created a risk of divergent regulatory solutions and thereby fragmentation of the internal market, thus raising the risk of increased compliance costs due to different sets of national regulatory requirements.	to reach end users, everywhere in the Union and on different markets. The adverse impact of unfair practices on the internal market and particularly weak contestability of core platform services, including their negative societal and economic implications, have led national legislators and sectoral regulators to act. A number of national regulatory solutions have already been adopted or proposed to address unfair practices and the contestability of digital services or at least with regard to some of them. This has created ~~*a risk of*~~ divergent regulatory solutions and thereby fragmentation of the internal market, thus raising the risk of increased compliance costs due to different sets of national regulatory requirements.	to reach end users, everywhere in the Union and on different markets. The adverse impact of unfair practices on the internal market and particularly weak contestability of core platform services, including their negative societal and economic implications, have led national legislators and sectoral regulators to act. A number of ~~*national*~~ regulatory solutions have already been adopted ***at national level*** or proposed to address unfair practices and the contestability of digital services or at least with regard to some of them. This has created ~~*a risk of*~~ divergent regulatory solutions and thereby fragmentation of the internal market, thus raising the risk of increased compliance costs due to different sets of national regulatory requirements.
Recital 7				
18				

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	(7) Therefore, business users and end-users of core platform services provided by gatekeepers should be afforded appropriate regulatory safeguards throughout the Union against the unfair behaviour of gatekeepers in order to facilitate cross-border business within the Union and thereby improve the proper functioning of the internal market and to address existing or likely emerging fragmentation in the specific areas covered by this Regulation. Moreover, while gatekeepers tend to adopt global or at least pan-European business models and algorithmic structures, they can adopt, and in some cases have adopted, different business conditions and practices in different Member States, which is liable to create disparities between the competitive conditions for the users of core platform services provided by	(7) Therefore, business users and end-users of core platform services provided by gatekeepers should be afforded appropriate regulatory safeguards throughout the Union against the unfair behaviour of gatekeepers in order to facilitate cross-border business within the Union and thereby improve the proper functioning of the internal market and to address existing or likely emerging fragmentation in the specific areas covered by this Regulation. Moreover, while gatekeepers tend to adopt global or at least pan-European business models and algorithmic structures, they can adopt, and in some cases have adopted, different business conditions and practices in different Member States, which is liable to create disparities between the competitive conditions for the users of core platform services provided by	(7) Therefore, ***the objective of this Regulation is to contribute to the proper functioning of the internal market by laying down rules to ensure contestability and fairness for the markets in the digital sector in general and for business users and end-users of core platform services provided by gatekeepers in particular.*** Business users and end-users of core platform services provided by gatekeepers should be afforded appropriate regulatory safeguards throughout the Union against the unfair behaviour of gatekeepers in order to facilitate cross-border business within the Union and thereby improve the proper functioning of the internal market and to ~~*address*~~***eliminate*** existing or likely emerging fragmentation in the specific areas covered by this Regulation. Moreover, while gatekeepers tend to	(7) Therefore, ***the objective of this Regulation is to contribute to the proper functioning of the internal market by laying down rules to ensure contestability and fairness for the markets in the digital sector in general and for business users and end-users of core platform services provided by gatekeepers in particular.*** Business users and end-users of core platform services provided by gatekeepers should be afforded appropriate regulatory safeguards throughout the Union against the unfair behaviour of gatekeepers in order to facilitate cross-border business within the Union and thereby improve the proper functioning of the internal market and to ~~*address*~~***eliminate*** existing or likely emerging fragmentation in the specific areas covered by this Regulation. Moreover, while gatekeepers tend to

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	gatekeepers, to the detriment of integration within the internal market.	gatekeepers, to the detriment of integration within the internal market.	adopt global or at least pan-European business models and algorithmic structures, they can adopt, and in some cases have adopted, different business conditions and practices in different Member States, which is liable to create disparities between the competitive conditions for the users of core platform services provided by gatekeepers, to the detriment of integration ~~within~~***of*** the internal market.	adopt global or at least pan-European business models and algorithmic structures, they can adopt, and in some cases have adopted, different business conditions and practices in different Member States, which is liable to create disparities between the competitive conditions for the users of core platform services provided by gatekeepers, to the detriment of integration ~~within~~***of*** the internal market.
Recital 8				
19	(8) By approximating diverging national laws, obstacles to the freedom to provide and receive services, including retail services, within the internal market should be eliminated. A targeted set of harmonised mandatory rules should therefore be established at Union level to ensure contestable and fair digital markets	(8) By approximating diverging national laws, obstacles to the freedom to provide and receive services, including retail services, within the internal market should be eliminated. A targeted set of harmonised ~~mandatory rules~~***legal obligations*** should therefore be established at Union level to ensure contestable and fair digital markets	(8) By approximating diverging national laws, obstacles to the freedom to provide and receive services, including retail services, within the internal market should be eliminated. A targeted set of harmonised ~~mandatory~~ rules should therefore be established at Union level to ensure contestable and fair digital markets	(8) By approximating diverging national laws, obstacles to the freedom to provide and receive services, including retail services, within the internal market should be eliminated. A targeted set of harmonised ~~mandatory rules~~***legal obligations*** should therefore be established at Union level to ensure contestable and

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	featuring the presence of gatekeepers within the internal market.	fair digital markets featuring the presence of gatekeepers within the internal market ***to the benefit of Union's economy as whole and Union's consumers in particular***.	featuring the presence of gatekeepers within the internal market.	fair digital markets featuring the presence of gatekeepers within the internal market ***to the benefit of Union's economy as whole and Union's consumers in particular***.
Recital 9				
R 20	(9) A fragmentation of the internal market can only be effectively averted if Member States are prevented from applying national rules which are specific to the types of undertakings and services covered by this Regulation. At the same time, since this Regulation aims at complementing the enforcement of competition law, it should be specified that this Regulation is without prejudice to Articles 101 and 102 TFEU, to the corresponding national competition rules and to other national competition rules regarding unilateral behaviour that	(9) A fragmentation of the internal market can only be effectively averted if Member States are prevented from applying ~~national~~***on gatekeepers further*** rules ~~which are specific~~***or obligations for the purpose of ensuring contestable and fair markets. This is without prejudice*** to the ~~types of undertakings and services covered by this Regulation~~***ability of Member States to impose the same, stricter or different obligations on gatekeepers in order to pursue other legitimate public interests, in compliance with Union***	(9) A fragmentation of the internal market can only be effectively averted if Member States are prevented from applying national rules which are ~~specific to the types of undertakings and services covered by~~ ***within the scope of*** this Regulation~~. At the same time, since this Regulation aims at complementing the enforcement of competition law, it should be specified that~~ ***and which pursue the same objectives as*** this Regulation~~ is without prejudice to Articles 101 and 102 TFEU, to the corresponding~~***. This does not preclude the possibility***	(9) ***(9)*** A fragmentation of the internal market can only be effectively averted if Member States are prevented from applying national rules which are ~~specific to the types of undertakings and services covered by~~ ***within the scope of*** this Regulation~~. At~~ ***and which pursue*** the same ~~time, since~~***objectives as*** this Regulation~~ aims at complementing the enforcement of competition law, it should be specified that this Regulation is without prejudice to Articles 101 and 102 TFEU, to the corresponding~~***. This does not preclude the possibility*** R

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	are based on an individualised assessment of market positions and behaviour, including its likely effects and the precise scope of the prohibited behaviour, and which provide for the possibility of undertakings to make efficiency and objective justification arguments for the behaviour in question. However, the application of the latter rules should not affect the obligations imposed on gatekeepers under this Regulation and their uniform and effective application in the internal market.	***law. Those legitimate public interests can be, among others, consumer protection, fight against acts of unfair competition and fostering media freedom and pluralism, freedom of expression, as well as diversity in culture or in languages***. At the same time, since this Regulation aims at complementing the enforcement of competition law, it should be specified that this Regulation is without prejudice to Articles 101 and 102 TFEU, to the corresponding national competition rules and to other national competition rules regarding unilateral behaviour that are based on an individualised assessment of market positions and behaviour, including its likely effects and the precise scope of the prohibited behaviour, and which provide for the possibility of undertakings to make efficiency and	***to apply other*** national ~~competition rules and to~~***legislation which pursues*** other ~~national competition rules regarding unilateral behaviour that are based on an individualised assessment of market positions and behaviour, including its likely effects and the precise scope~~***legitimate public interest objectives as set out in the TFEU or overriding reasons of public interest as recognised by the case law*** of the ~~prohibited behaviour, and which provide for the possibility of undertakings to make efficiency and objective justification arguments for the behaviour in question. However, the application of the latter rules should not affect the obligations imposed on gatekeepers under~~***Court of Justice of the European Union ('the Court of Justice'), to gatekeepers as defined within the meaning of*** this	***to apply other*** national ~~competition rules and to~~***legislation which pursues*** other ~~national competition rules regarding unilateral behaviour that are based on an individualised assessment of market positions and behaviour, including its likely effects and the precise scope~~***legitimate public interest objectives as set out in the TFEU or overriding reasons of public interest as recognised by the case law*** of the ~~prohibited behaviour, and which provide for the possibility of undertakings to make efficiency and objective justification arguments for the behaviour in question. However, the application of the latter rules should not affect the obligations imposed on gatekeepers under~~***Court of Justice of the European Union ('the Court of Justice'), to gatekeepers as defined within the meaning of*** this

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		objective justification arguments for the behaviour in question. However, the application of the latter rules should not affect the obligations ***and prohibitions*** imposed on gatekeepers under this Regulation and their uniform and effective application in the internal market.	Regulation ~~*and their uniform and effective application in the internal market*~~.	Regulation ~~*and their uniform and effective application in the internal market*~~.
Recital 9a				
R 20a			***(9a) At the same time, since this Regulation aims at complementing the enforcement of competition law, it should be specified that this Regulation is without prejudice to Articles 101 and 102 TFEU, to the corresponding national competition rules and to other national competition rules regarding unilateral behaviour that are based on an individualised assessment of market positions and behaviour, including its likely effects***	***(9a) At the same time, since this Regulation aims at complementing the enforcement of competition law, it should be specified that this Regulation is without prejudice to Articles 101 and 102 TFEU, to the corresponding national competition rules and to other national competition rules regarding unilateral behaviour that are based on an individualised assessment of market positions and behaviour, including its likely effects*** R

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			and the precise scope of the prohibited behaviour, and which provide for the possibility of undertakings to make efficiency and objective justification arguments for the behaviour in question. However, the application of the latter rules should not affect the obligations imposed on gatekeepers under this Regulation and their uniform and effective application in the internal market.	***and the precise scope of the prohibited behaviour, and which provide for the possibility of undertakings to make efficiency and objective justification arguments for the behaviour in question, and to national rules concerning merger control. However, the application of those rules should not affect the obligations imposed on gatekeepers under this Regulation and their uniform and effective application in the internal market.***
Recital 10				
21	(10) Articles 101 and 102 TFEU and the corresponding national competition rules concerning anticompetitive multilateral and unilateral conduct as well as merger control have as their objective the protection of	(10) Articles 101 and 102 TFEU and the corresponding national competition rules concerning anticompetitive multilateral and unilateral conduct as well as merger control have as their objective the protection of	(10) Articles 101 and 102 TFEU and the corresponding national competition rules concerning anticompetitive multilateral and unilateral conduct as well as merger control have as their objective the protection of	(10) ~~*Articles 101 and 102 TFEU and the corresponding national competition rules concerning anticompetitive multilateral and unilateral conduct as well as merger control have as their objective the protection of*~~

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	undistorted competition on the market. This Regulation pursues an objective that is complementary to, but different from that of protecting undistorted competition on any given market, as defined in competition-law terms, which is to ensure that markets where gatekeepers are present are and remain contestable and fair, independently from the actual, likely or presumed effects of the conduct of a given gatekeeper covered by this Regulation on competition on a given market. This Regulation therefore aims at protecting a different legal interest from those rules and should be without prejudice to their application.	undistorted competition on the market. This Regulation pursues an objective that is complementary to, but different from that of protecting undistorted competition on any given market, as defined in competition-law terms, which is to ensure that markets where gatekeepers are present are and remain contestable and fair, ***and to protect the respective rights of business users and end users,*** independently from the actual, likely or presumed effects of the conduct of a given gatekeeper covered by this Regulation on competition on a given market. This Regulation therefore aims at protecting a different legal interest from those rules and should be without prejudice to their application.	undistorted competition on the market. This Regulation pursues an objective that is complementary to, but different from that of protecting undistorted competition on any given market, as defined in competition-law terms, which is to ensure that markets where gatekeepers are present are and remain contestable and fair, independently from the actual, likely or presumed effects of the conduct of a given gatekeeper covered by this Regulation on competition on a given market. This Regulation therefore aims at protecting a different legal interest from those rules and should be without prejudice to their application.	~~*undistorted competition on the market. This Regulation pursues an objective that is complementary to, but different from that of protecting undistorted competition on any given market, as defined in competition-law terms, which is to ensure that markets where gatekeepers are present are and remain contestable and fair, independently from the actual, likely or presumed effects of the conduct of a given gatekeeper covered by this Regulation on competition on a given market. This Regulation therefore aims at protecting a different legal interest from those rules and should be without prejudice to their application.*~~ ***Articles 101 and 102 TFEU and the corresponding national competition rules concerning anticompetitive multilateral and unilateral conduct as well as merger control have as their objective the protection of***

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				undistorted competition on the market. This Regulation pursues an objective that is complementary to, but different from that of protecting undistorted competition on any given market, as defined in competition-law terms, which is to ensure that markets where gatekeepers are present are and remain contestable and fair, independently from the actual, likely or presumed effects of the conduct of a given gatekeeper covered by this Regulation on competition on a given market. This Regulation therefore aims at protecting a different legal interest from those rules and should be without prejudice to their application.
Recital 11				
22	(11) This Regulation	(11) This Regulation	(11) This Regulation	(11) This Regulation

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	should also complement, without prejudice to their application, the rules resulting from other acts of Union law regulating certain aspects of the provision of services covered by this Regulation, in particular Regulation (EU) 2019/1150 of the European Parliament and of the Council[1], Regulation (EU) xx/xx/EU [DSA] of the European Parliament and of the Council[2], Regulation (EU) 2016/679 of the European Parliament and of the Council[3], Directive (EU) 2019/790 of the European Parliament and of the Council[4], Directive (EU) 2015/2366 of the European Parliament and of the Council[5], and Directive (EU) 2010/13 of the European Parliament and of the Council[6], as well as national rules aimed at enforcing or, as the case may be, implementing that Union legislation. 1. Regulation (EU) 2019/1150 of the European Parliament and of	should also complement, without prejudice to their application, the rules resulting from other acts of Union law regulating certain aspects of the provision of services covered by this Regulation, in particular Regulation (EU) 2019/1150 of the European Parliament and of the Council[1]. Regulation (EU) xx/xx/EU [DSA] of the European Parliament and of the Council[2], Regulation (EU) 2016/679 of the European Parliament and of the Council[3], Directive (EU) 2019/790 of the European Parliament and of the Council[4], Directive ***2002/58/EC, Directive*** (EU) 2015/2366 of the European Parliament and of the Council[5], ~~*and Directive (EU) 2010/13*~~***Directive (EU) 2019/882, Directive(EU) 2018/1808 and Directive 2010/13/EU*** of the European Parliament and of the Council[6], ***Directive 2005/29/EC of the***	should also ~~*complement*~~***apply***, without prejudice to ~~*their application,*~~ the rules resulting from other acts of Union law regulating certain aspects of the provision of services covered by this Regulation, in particular Regulation (EU) 2019/1150 of the European Parliament and of the Council[1], Regulation (EU) xx/xx/EU [DSA] of the European Parliament and of the Council[2], Regulation (EU) 2016/679 of the European Parliament and of the Council[3], Directive ***2002/58/EC of the European Parliament and of the Council[4], Directive*** (EU) 2019/790 of the European Parliament and of the Council[4][5], Directive (EU) 2015/2366 of the European Parliament and of the Council[5]~~*, and*~~[6], Directive (EU) ~~*2010/13*~~***2010/13/EU of the European Parliament and of the Council[7], Directive 2005/29/EC*** of the	should also ~~*complement*~~***apply***, without prejudice to ~~*their application,*~~ the rules resulting from other acts of Union law regulating certain aspects of the provision of services covered by this Regulation, in particular Regulation (EU) 2019/1150 of the European Parliament and of the Council[1], Regulation (EU) xx/xx/EU [DSA] of the European Parliament and of the Council[2], Regulation (EU) 2016/679 of the European Parliament and of the Council[3], ***Directive 2002/58/EC of the European Parliament and of the Council***, Directive (EU) 2019/790 of the European Parliament and of the Council[4], Directive (EU) 2015/2366 of the European Parliament and of the Council[5], ***Directive (EU) 2010/13/EU of the European Parliament and of the Council, Directive 2005/29/EC of the***

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	the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57). 2. Regulation (EU) …/.. of the European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC. 3. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 4. Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/ (OJ L 130, 17.5.2019, p. 92.). 5. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).	***European Parliament and of the Council and Council Directive 93/13/EEC*** as well as ***rules at*** national ~~*rules aimed at enforcing or, as the case may be, implementing that Union legislation*~~***level adopted in accordance with Union legislation. Concerning specifically rules on consent to the processing of personal data set out in Regulation (EU) 2016/679 and Directive 2002/58/EC, this Regulation applies these rules without affecting them***. _____ 1. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57). 2. Regulation (EU) …/.. of the European Parliament and of the Council – – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC. 3. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of	European Parliament and of the Council[68] ***and Council Directive 93/13/EEC***[9], as well as national rules aimed at enforcing or, as the case may be, implementing that Union legislation. _____ 1. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57). 2. Regulation (EU) …/.. of the European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC. 3. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 4. Directive ~~*(EU) 2019/790*~~***2002/58/EC*** of the European Parliament and of the Council of ~~*17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and*~~	***European Parliament and of the Council and Council Directive 93/13/EEC,*** ~~*and*~~ Directive (EU) ~~*2010/13*~~***2019/882, Directive(EU) 2018/1808, Directive 2010/13/EU*** of the European Parliament and of the Council[6]~~*,*~~ ***and Council Directive 93/13/EEC*** as well as national rules aimed at enforcing or, as the case may be, implementing that Union legislation~~.~~ _____ ~~*1. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).*~~ ~~*2. Regulation (EU) …/.. of the European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.*~~ ~~*3. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC*~~

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	6. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).	personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 4. Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and ~~2001/29/~~**2001/29/EC** (OJ L 130, 17.5.2019, p. 92.). 5. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35). 6. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).	~~2001/29/ (OJ L 130, 17.5.2019, p. 92.~~**12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (OJ L 201, 31.7.2002, p. 37**). 5. Directive (EU) ~~2015/2366~~**2019/790** of the European Parliament and of the Council of ~~25 November 2015 on payment services~~**17 April 2019 on copyright and related rights** in the ~~internal~~**Digital Single** Market~~,~~ **and** amending Directives ~~2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35~~**96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019, p. 92.**). 6. Directive ~~2010/13/EU~~**(EU) 2015/2366** of the European Parliament and of the Council of ~~10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1)~~**25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35)**.	~~(General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).~~ ~~4. Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/ (OJ L 130, 17.5.2019, p. 92.).~~ ~~5. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).~~ ~~6. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).~~

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			7. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1). 8. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, p. 22). 9. Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, (OJ L 95, 21.4.1993, p. 29).	
Recital 12				
23	(12) Weak contestability and unfair practices in the digital sector are more	(12) Weak contestability and unfair practices in the digital sector are more	(12) Weak contestability and unfair practices in the digital sector are more	(12) Weak contestability and unfair practices in the digital sector are more

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	frequent and pronounced for certain digital services than for others. This is the case in particular for widespread and commonly used digital services that mostly directly intermediate between business users and end users and where features such as extreme scale economies, very strong network effects, an ability to connect many business users with many end users through the multi-sidedness of these services, lock-in effects, a lack of multi-homing or vertical integration are the most prevalent. Often, there is only one or very few large providers of those digital services. These providers of core platform services have emerged most frequently as gatekeepers for business users and end users with far-reaching impacts, gaining the ability to easily set commercial conditions and terms in a unilateral and detrimental manner for	frequent and pronounced for certain digital services than for others. This is the case in particular for widespread and commonly used digital services that mostly directly intermediate between business users and end users and where features such as extreme scale economies, very strong network effects, an ability to connect many business users with many end users through the multi-sidedness of these services, lock-in effects, a lack of multi-homing or vertical integration are the most prevalent. Often, there is only one or very few large providers of those digital services. These providers of core platform services have emerged most frequently as gatekeepers for business users and end users with far-reaching impacts, gaining the ability to easily set commercial conditions and terms in a unilateral and detrimental manner for	frequent and pronounced for certain digital services than for others. This is the case in particular for widespread and commonly used digital services that mostly directly intermediate between business users and end users and where features such as extreme scale economies, very strong network effects, an ability to connect many business users with many end users through the multi-sidedness of these services, lock-in effects, a lack of multi-homing or vertical integration are the most prevalent. Often, there is only one or very few large ~~*providers of*~~***undertakings providing*** those digital services. These ~~*providers of*~~***undertakings providing*** core platform services have emerged most frequently as gatekeepers for business users and end users with far-reaching impacts, gaining the ability to easily set commercial conditions	frequent and pronounced for certain digital services than for others. This is the case in particular for widespread and commonly used digital services that mostly directly intermediate between business users and end users and where features such as extreme scale economies, very strong network effects, an ability to connect many business users with many end users through the multi-sidedness of these services, lock-in effects, a lack of multi-homing or vertical integration are the most prevalent. Often, there is only one or very few large ~~*providers of*~~***undertakings providing*** those digital services. These ~~*providers of*~~***undertakings providing*** core platform services have emerged most frequently as gatekeepers for business users and end users with far-reaching impacts, gaining the ability to easily set commercial conditions

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	their business users and end users. Accordingly, it is necessary to focus only on those digital services that are most broadly used by business users and end users and where, based on current market conditions, concerns about weak contestability and unfair practices by gatekeepers are more apparent and pressing from an internal market perspective.	their business users and end users. Accordingly, it is necessary to focus only on those digital services that are most broadly used by business users and end users and where~~, based on current market conditions,~~ concerns about weak contestability and unfair practices by gatekeepers are more apparent and pressing from an internal market perspective.	and terms in a unilateral and detrimental manner for their business users and end users. Accordingly, it is necessary to focus only on those digital services that are most broadly used by business users and end users and where, based on current market conditions, concerns about weak contestability and unfair practices by gatekeepers are more apparent and pressing from an internal market perspective.	and terms in a unilateral and detrimental manner for their business users and end users. Accordingly, it is necessary to focus only on those digital services that are most broadly used by business users and end users and where~~, based on current market conditions,~~ concerns about weak contestability and unfair practices by gatekeepers are more apparent and pressing from an internal market perspective.
Recital 13				
R 24	(13) In particular, online intermediation services, online search engines, operating systems, online social networking, video sharing platform services, number-independent interpersonal communication services, cloud computing services and online advertising services all have the capacity to affect a large number of end users and	(13) In particular, online intermediation services, online search engines, operating systems ***such as on smart devices, internet of things or embedded digital services in vehicles***, online social networking, video sharing platform services, number-independent interpersonal communication services, cloud computing services***, virtual assistant services,***	(13) In particular, online intermediation services, online search engines, operating systems, online social networking, video sharing platform services, number-independent interpersonal communication services, cloud computing services and online advertising services***, notably online advertising intermediation services,*** all have the	R

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	businesses alike, which entails a risk of unfair business practices. They therefore should be included in the definition of core platform services and fall into the scope of this Regulation. Online intermediation services may also be active in the field of financial services, and they may intermediate or be used to provide such services as listed non-exhaustively in Annex II to Directive (EU) 2015/1535 of the European Parliament and of the Council[1]. In certain circumstances, the notion of end users should encompass users that are traditionally considered business users, but in a given situation do not use the core platform services to provide goods or services to other end users, such as for example businesses relying on cloud computing services for their own purposes. 1. Directive (EU) 2015/1535 of the European Parliament and of	***web browsers, connected TV*** and online advertising services all have the capacity to affect a large number of end users and businesses alike, which entails a risk of unfair business practices. They therefore should be included in the definition of core platform services and fall into the scope of this Regulation. Online intermediation services may also be active in the field of financial services, and they may intermediate or be used to provide such services as listed non-exhaustively in Annex II to Directive (EU) 2015/1535 of the European Parliament and of the Council[1]. In certain circumstances, the notion of end users should encompass users that are traditionally considered business users, but in a given situation do not use the core platform services to provide goods or services to other end users, such as for example	capacity to affect a large number of end users and businesses alike, which entails a risk of unfair business practices. They therefore should be included in the definition of core platform services and fall into the scope of this Regulation. Online intermediation services may also be active in the field of financial services, and they may intermediate or be used to provide such services as listed non-exhaustively in Annex II to Directive (EU) 2015/1535 of the European Parliament and of the Council[1]. In ***addition core platform services, such as online intermediation services could also be provided by means of voice assistant technology. In*** certain circumstances, the notion of end users should encompass users that are traditionally considered business users, but in a given situation do not use the core platform services	

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	the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241, 17.9.2015, p. 1.	businesses relying on cloud computing services for their own purposes. _____ 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241, 17.9.2015, p. 1.	to provide goods or services to other end users, such as for example businesses relying on cloud computing services for their own purposes. _____ 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services~~.~~ **(**OJ L 241, 17.9.2015, p. ~~1~~ **1)**.	
Recital 14				
25	(14) A number of other ancillary services, such as identification or payment services and technical services which support the provision of payment services, may be provided by gatekeepers together with their core platform services. As gatekeepers frequently provide the portfolio of their services as part of an integrated ecosystem to which third-party providers of such	(14) A number of other ancillary services, such as identification ~~or~~**services,** payment services ~~and~~**,** technical services which support the provision of payment services **or in-app payment systems**, may be provided by gatekeepers together with their core platform services. As gatekeepers frequently provide the portfolio of their services as part of an integrated ecosystem to	(14) A number of ~~other~~ ancillary services, such as **integrated advertising services,** identification or payment services and technical services which support the provision of payment services, may be provided by gatekeepers together with their core platform services. As gatekeepers frequently provide the portfolio of their services as part of an integrated ecosystem to	(14) ~~A number of other ancillary services, such as identification or payment services and technical services which support the provision of payment services, may be provided by gatekeepers together with their core platform services. As gatekeepers frequently provide the portfolio of their services as part of an integrated ecosystem to which third-party providers of such~~

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	ancillary services do not have access, at least not subject to equal conditions, and can link the access to the core platform service to take-up of one or more ancillary services, the gatekeepers are likely to have an increased ability and incentive to leverage their gatekeeper power from their core platform services to these ancillary services, to the detriment of choice and contestability of these services.	which third-party providers of such ancillary services do not have access, at least not subject to equal conditions, and can link the access to the core platform service to take-up of one or more ancillary services, the gatekeepers are likely to have an increased ability and incentive to leverage their gatekeeper power from their core platform services to these ancillary services, to the detriment of choice and contestability of these services.	which third-party providers of such ancillary services do not have access, at least not subject to equal conditions, and can link the access to the core platform service to take-up of one or more ancillary services, the gatekeepers are likely to have an increased ability and incentive to leverage their gatekeeper power from their core platform services to these ancillary services, to the detriment of choice and contestability of these services.	~~*ancillary services do not have access, at least not subject to equal conditions, and can link the access to the core platform service to take-up of one or more ancillary services, the gatekeepers are likely to have an increased ability and incentive to leverage their gatekeeper power from their core platform services to these ancillary services, to the detriment of choice and contestability of these services.*~~ ***(deleted)***
Recital 14a				
G 25a		***(14a) Gatekeepers may also provide other ancillary services, for instance retailing or distribution activities, that are targeted at end users alongside their core platform services. Such ancillary services can compete with business users of the core platform service and contribute significantly to the***		G

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		imbalance in a given market and ultimately increase unfairly the gatekeeper's power, including in relation to the gatekeeper's business partners, such as suppliers of goods or services, relying on such ancillary service. To prevent gatekeepers from unfairly benefiting from the leverage provided by provision of parallel services, such ancillary services should also be subject to the obligations applicable to core platform services.		
Recital 15				
26	(15) The fact that a digital service qualifies as a core platform service in light of its widespread and common use and its importance for connecting business users and end users does not as such give rise to sufficiently serious concerns of contestability and unfair practices. It is	(15) The fact that a digital service qualifies as a core platform service in light of its widespread and common use and its importance for connecting business users and end users does not as such give rise to sufficiently serious concerns of contestability and unfair practices. It is	(15) The fact that a digital service qualifies as a core platform service in light of its widespread and common use and its importance for connecting business users and end users does not as such give rise to sufficiently serious concerns of contestability and unfair practices. It is	(15) The fact that a digital service qualifies as a core platform service in light of its widespread and common use and its importance for connecting business users and end users does not as such give rise to sufficiently serious concerns of contestability and unfair practices. It is

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	only when a core platform service constitutes an important gateway and is operated by a provider with a significant impact in the internal market and an entrenched and durable position, or by a provider that will foreseeably have such a position in the near future, that such concerns arise. Accordingly, the targeted set of harmonised rules laid down in this Regulation should apply only to undertakings designated on the basis of these three objective criteria, and they should only apply to those of their core platform services that individually constitute an important gateway for business users to reach end users.	only when a core platform service constitutes an important gateway and is operated by a provider with a significant impact in the internal market and an entrenched and durable position, or by a provider that will foreseeably have such a position in the near future, that such concerns arise. Accordingly, the targeted set of harmonised rules laid down in this Regulation should apply only to undertakings designated on the basis of these three objective criteria, and they should only apply to those of their core platform services that individually constitute an important gateway for business users to reach end users.	only when a core platform service constitutes an important gateway and is operated by ~~*a provider*~~***an undertaking*** with a significant impact in the internal market and an entrenched and durable position, or by ~~*a provider*~~***an undertaking*** that will foreseeably have such a position in the near future, that such concerns arise. Accordingly, the targeted set of harmonised rules laid down in this Regulation should apply only to undertakings designated on the basis of these three objective criteria, and they should only apply to those of their core platform services that individually constitute an important gateway for business users to reach end users.	only when a core platform service constitutes an important gateway and is operated by ***an undertaking with a significant impact in the internal market and an entrenched and durable position, or by an undertaking that will foreseeably have such a position in the near future, that such concerns arise. Accordingly, the targeted set of harmonised rules laid down in this Regulation should apply only to undertakings designated on the basis of these three objective criteria, and they should only apply to those of their core platform services that individually constitute an important gateway for business users to reach end users.*** ***The fact that a digital service qualifies as a core platform service in light of its widespread and common use and its importance for connecting***

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				business users and end users does not as such give rise to sufficiently serious concerns of contestability and unfair practices. It is only when a core platform service constitutes an important gateway and is operated by an undertaking ~~*a provider*~~ with a significant impact in the internal market and an entrenched and durable position, or by ~~*a provider*~~ ***an undertaking*** that will foreseeably have such a position in the near future, that such concerns arise. Accordingly, the targeted set of harmonised rules laid down in this Regulation should apply only to undertakings designated on the basis of these three objective criteria, and they should only apply to those of their core platform services that individually constitute an important gateway for business users to reach end users. ***The fact that an undertaking providing***

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				core platform services may not only intermediate between business users and end users, but also between end users and end users, for example in the case of number independent interpersonal communication services, should not preclude the conclusion that such an undertaking is or may be an important gateway for business users to reach end users.
Recital 16				
27	(16) In order to ensure the effective application of this Regulation to providers of core platform services which are most likely to satisfy these objective requirements, and where unfair conduct weakening contestability is most prevalent and impactful, the Commission should be able to directly designate as gatekeepers those providers of core platform services which meet certain	(16) In order to ensure the effective application of this Regulation to providers of core platform services which are most likely to satisfy these objective requirements, and where unfair conduct weakening contestability is most prevalent and impactful, the Commission should be able to directly designate as gatekeepers those providers of core platform services which meet certain	(16) In order to ensure the effective application of this Regulation to ~~*providers of*~~***undertakings providing*** core platform services which are most likely to satisfy these objective requirements, and where unfair conduct weakening contestability is most prevalent and impactful, the Commission should be able to directly designate as gatekeepers those ~~*providers of*~~***undertakings providing***	(16) In order to ensure the effective application of this Regulation to ~~*providers of*~~***undertakings providing*** core platform services which are most likely to satisfy these objective requirements, and where unfair conduct weakening contestability is most prevalent and impactful, the Commission should be able to directly designate as gatekeepers those ~~*providers of*~~***undertakings providing***

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	quantitative thresholds. Such undertakings should in any event be subject to a fast designation process which should start upon the entry into force of this Regulation.	quantitative thresholds. Such undertakings should in any event be subject to a fast designation process which should start upon the entry into force of this Regulation.	core platform services which meet certain quantitative thresholds. Such undertakings should in any event be subject to a fast designation process which should start ~~*up on the entry into force of this Regulation*~~***once this Regulation becomes applicable***.	core platform services which meet certain quantitative thresholds. Such undertakings should in any event be subject to a fast designation process which should start ~~*upon the entry into force of this Regulation*~~***once this Regulation becomes applicable***.
Recital 17				
28	(17) A very significant turnover in the Union and the provision of a core platform service in at least three Member States constitute compelling indications that the provider of a core platform service has a significant impact on the internal market. This is equally true where a provider of a core platform service in at least three Member States has a very significant market capitalisation or equivalent fair market value. Therefore, a provider of a core platform service	(17) A very significant turnover in the Union and the provision of a core platform service in at least three Member States constitute compelling indications that the provider of a core platform service has a significant impact on the internal market. This is equally true where a provider of a core platform service in at least three Member States has a very significant market capitalisation or equivalent fair market value. Therefore, a provider of a core platform service	(17) A very significant turnover in the Union and the provision of a core platform service in at least three Member States constitute compelling indications that the ~~*provider of*~~***undertaking providing*** a core platform service has a significant impact on the internal market. This is equally true where ~~*a provider of*~~***an undertaking providing*** a core platform service in at least three Member States has a very significant market capitalisation or equivalent fair market	(17) A very significant turnover in the Union and the provision of a core platform service in at least three Member States constitute compelling indications that the ~~*provider of*~~***undertaking providing*** a core platform service has a significant impact on the internal market. This is equally true where ~~*a provider of*~~***an undertaking providing*** a core platform service in at least three Member States has a very significant market capitalisation or equivalent fair market

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	should be presumed to have a significant impact on the internal market where it provides a core platform service in at least three Member States and where either its group turnover realised in the EEA is equal to or exceeds a specific, high threshold or the market capitalisation of the group is equal to or exceeds a certain high absolute value. For providers of core platform services that belong to undertakings that are not publicly listed, the equivalent fair market value above a certain high absolute value should be referred to. The Commission should use its power to adopt delegated acts to develop an objective methodology to calculate that value. A high EEA group turnover in conjunction with the threshold of users in the Union of core platform services reflects a relatively strong ability to monetise these users. A high market	should be presumed to have a significant impact on the internal market where it provides a core platform service in at least three Member States and where either its group turnover realised in the EEA is equal to or exceeds a specific, high threshold or the market capitalisation of the group is equal to or exceeds a certain high absolute value. For providers of core platform services that belong to undertakings that are not publicly listed, the equivalent fair market value above a certain high absolute value should be referred to. The Commission should use its power to adopt delegated acts to develop an objective methodology to calculate that value. A high EEA group turnover in conjunction with the threshold of users in the Union of core platform services reflects a relatively strong ability to monetise these users. A high market	value. Therefore, ~~a provider of~~***an undertaking providing*** a core platform service should be presumed to have a significant impact on the internal market where it provides a core platform service in at least three Member States and where either its group turnover realised in the ***European Economic Area (EEA)***~~EEA~~ is equal to or exceeds a specific, high threshold or the market capitalisation of the group is equal to or exceeds a certain high absolute value. For ~~providers of~~***undertakings providing*** core platform services that belong to undertakings that are not publicly listed, the equivalent fair market value above a certain high absolute value should be referred to. The Commission should use its power to adopt delegated acts to develop an objective methodology to calculate that value. A high EEA group turnover in	value. Therefore, ~~a provider of~~***an undertaking providing*** a core platform service should be presumed to have a significant impact on the internal market where it provides a core platform service in at least three Member States and where either its group turnover realised in the ~~EEA~~***European Union*** is equal to or exceeds a specific, high threshold or the market capitalisation of the group is equal to or exceeds a certain high absolute value. For ~~providers of~~***undertakings providing*** core platform services that belong to undertakings that are not publicly listed, the equivalent fair market value above a certain high absolute value should be referred to. The Commission should use its power to adopt delegated acts to develop an objective methodology to calculate that value. A high ~~EEA~~***EU*** group turnover in

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	capitalisation relative to the same threshold number of users in the Union reflects a relatively significant potential to monetise these users in the near future. This monetisation potential in turn reflects in principle the gateway position of the undertakings concerned. Both indicators are in addition reflective of their financial capacity, including their ability to leverage their access to financial markets to reinforce their position. This may for example happen where this superior access is used to acquire other undertakings, which ability has in turn been shown to have potential negative effects on innovation. Market capitalisation can also be reflective of the expected future position and effect on the internal market of the providers concerned, notwithstanding a potentially relatively low current turnover. The	capitalisation relative to the same threshold number of users in the Union reflects a relatively significant potential to monetise these users in the near future. This monetisation potential in turn reflects in principle the gateway position of the undertakings concerned. Both indicators are in addition reflective of their financial capacity, including their ability to leverage their access to financial markets to reinforce their position. This may for example happen where this superior access is used to acquire other undertakings, which ability has in turn been shown to have potential negative effects on innovation. Market capitalisation can also be reflective of the expected future position and effect on the internal market of the providers concerned, notwithstanding a potentially relatively low current turnover. The	conjunction with the threshold of users in the Union of core platform services reflects a relatively strong ability to monetise these users. A high market capitalisation relative to the same threshold number of users in the Union reflects a relatively significant potential to monetise these users in the near future. This monetisation potential in turn reflects in principle the gateway position of the undertakings concerned. Both indicators are in addition reflective of their financial capacity, including their ability to leverage their access to financial markets to reinforce their position. This may for example happen where this superior access is used to acquire other undertakings, which ability has in turn been shown to have potential negative effects on innovation. Market capitalisation can also be reflective of the expected	conjunction with the threshold of users in the Union of core platform services reflects a relatively strong ability to monetise these users. A high market capitalisation relative to the same threshold number of users in the Union reflects a relatively significant potential to monetise these users in the near future. This monetisation potential in turn reflects in principle the gateway position of the undertakings concerned. Both indicators are in addition reflective of their financial capacity, including their ability to leverage their access to financial markets to reinforce their position. This may for example happen where this superior access is used to acquire other undertakings, which ability has in turn been shown to have potential negative effects on innovation. Market capitalisation can also be reflective of the expected

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	market capitalisation value can be based on a level that reflects the average market capitalisation of the largest publicly listed undertakings in the Union over an appropriate period.	market capitalisation value can be based on a level that reflects the average market capitalisation of the largest publicly listed undertakings in the Union over an appropriate period.	future position and effect on the internal market of the ~~providers~~***undertakings*** concerned, notwithstanding a potentially relatively low current turnover. The market capitalisation value can be based on a level that reflects the average market capitalisation of the largest publicly listed undertakings in the Union over an appropriate period.	future position and effect on the internal market of the ~~providers~~***undertakings*** concerned, notwithstanding a potentially relatively low current turnover. The market capitalisation value can be based on a level that reflects the average market capitalisation of the largest publicly listed undertakings in the Union over an appropriate period.
Recital 18				
R 29	(18) A sustained market capitalisation of the provider of core platform services at or above the threshold level over three or more years should be considered as strengthening the presumption that the provider of core platform services has a significant impact on the internal market.	(18) A sustained market capitalisation of the provider of core platform services at or above the threshold level over three or more years should be considered as strengthening the presumption that the provider of core platform services has a significant impact on the internal market.	(18) A sustained market capitalisation of the ~~provider of~~***undertaking providing*** core platform services at or above the threshold level over three or more years should be considered as strengthening the presumption that the ~~provider of~~***undertaing providing*** core platform services has a significant impact on the internal market.	(18) A sustained market capitalisation of the ~~provider of~~***undertaking providing*** core platform services at or above the threshold level over three or more years should be considered as strengthening the presumption that the ~~provider of~~***undertaing providing*** core platform services has a significant impact on the internal market. R
Recital 19				

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30	(19) There may be a number of factors concerning market capitalisation that would require an in-depth assessment in determining whether a provider of core platform services should be deemed to have a significant impact on the internal market. This may be the case where the market capitalisation of the provider of core platform services in preceding financial years was significantly lower than the average of the equity market, the volatility of its market capitalisation over the observed period was disproportionate to overall equity market volatility or its market capitalisation trajectory relative to market trends was inconsistent with a rapid and unidirectional growth.	(19) There may be a number of factors concerning market capitalisation that would require an in-depth assessment in determining whether a provider of core platform services should be deemed to have a significant impact on the internal market. This may be the case where the market capitalisation of the provider of core platform services in preceding financial years was significantly lower than the average of the equity market, the volatility of its market capitalisation over the observed period was disproportionate to overall equity market volatility or its market capitalisation trajectory relative to market trends was inconsistent with a rapid and unidirectional growth.	(19) There may be a number of factors concerning market capitalisation that would require an in-depth assessment in determining whether ~~*a provider of*~~***an undertaking providing*** core platform services should be deemed to have a significant impact on the internal market. This may be the case where the market capitalisation of the ~~*provider of*~~***undertaking providing*** core platform services in preceding financial years was significantly lower than the average of the equity market, the volatility of its market capitalisation over the observed period was disproportionate to overall equity market volatility or its market capitalisation trajectory relative to market trends was inconsistent with a rapid and unidirectional growth.	(19) There may be a number of factors concerning market capitalisation that would require an in-depth assessment in determining whether ~~*a provider of*~~***an undertaking providing*** core platform services should be deemed to have a significant impact on the internal market. This may be the case where the market capitalisation of the ~~*provider of*~~***undertaking providing*** core platform services in preceding financial years was significantly lower than the average of the equity market, the volatility of its market capitalisation over the observed period was disproportionate to overall equity market volatility or its market capitalisation trajectory relative to market trends was inconsistent with a rapid and unidirectional growth.
Recital 20				

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31	(20) A very high number of business users that depend on a core platform service to reach a very high number of monthly active end users allow the provider of that service to influence the operations of a substantial part of business users to its advantage and indicate in principle that the provider serves as an important gateway. The respective relevant levels for those numbers should be set representing a substantive percentage of the entire population of the Union when it comes to end users and of the entire population of businesses using platforms to determine the threshold for business users.	(20) A very high number of business users that depend on a core platform service to reach a very high number of monthly ~~*active*~~ end users allow the provider of that service to influence the operations of a substantial part of business users to its advantage and indicate in principle that the provider serves as an important gateway. The respective relevant levels for those numbers should be set representing a substantive percentage of the entire population of the Union when it comes to end users and of the entire population of businesses using platforms to determine the threshold for business users.	(20) A very high number of business users that depend on a core platform service to reach a very high number of monthly active end users allow the ~~*provider of*~~***undertaking providing*** that service to influence the operations of a substantial part of business users to its advantage and indicate in principle that the ~~*provider*~~***undertaking*** serves as an important gateway. The respective relevant levels for those numbers should be set representing a substantive percentage of the entire population of the Union when it comes to end users and of the entire population of businesses using platforms to determine the threshold for business users. ***Active end users and business users should be identified and calculated in a way to adequately represent the role and reach of the specific core platform***	(20) A very high number of business users that depend on a core platform service to reach a very high number of monthly active end users allow the ~~*provider of*~~***undertaking providing*** that service to influence the operations of a substantial part of business users to its advantage and indicate in principle that the ~~*provider*~~***undertaking*** serves as an important gateway. The respective relevant levels for those numbers should be set representing a substantive percentage of the entire population of the Union when it comes to end users and of the entire population of businesses using platforms to determine the threshold for business users. ***[Active] end users and business users should be identified and calculated in a way to adequately represent the role and reach of the***

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			service in question. In order to provide legal certainty for gatekeepers, elements to determine the number of active end users and business users per core platform service should be set out in an Annex to this Regulation. Such elements can be impacted by technological and other developments. The Commission should therefore be empowered to adopt delegated act to amend such elements of the Annex to this Regulation to determine the number of active end users and active business users.	***specific core platform service in question. In order to provide legal certainty for gatekeepers, elements to determine the number of [active] end users and business users per core platform service should be set out in an Annex to this Regulation. Such elements can be impacted by technological and other developments. The Commission should therefore be empowered to adopt delegated act to amend such elements of the Annex to this Regulation to determine the number of [active] end users and [active] business users.***
Recital 21				
R 32	(21) An entrenched and durable position in its operations or the foreseeability of achieving such a position future occurs notably where the contestability of the position of the provider of	(21) An entrenched and durable position in its operations or the foreseeability of achieving such a position future occurs notably where the contestability of the position of the provider of	(21) An entrenched and durable position in its operations or the foreseeability of achieving such a position future occurs notably where the contestability of the position of the ~~*provider*~~	(21) An entrenched and durable position in its operations or the foreseeability of achieving such a position future occurs notably where the contestability of the position of the ~~*provider*~~ R

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	the core platform service is limited. This is likely to be the case where that provider has provided a core platform service in at least three Member States to a very high number of business users and end users during at least three years.	the core platform service is limited. This is likely to be the case where that provider has provided a core platform service in at least three Member States to a very high number of business users and end users during at least three years. ***A list of indicators to be used by the providers of core platforms services when measuring monthly end users and yearly business users should be provided in an Annex to this Regulation.***	~~of~~***undertaking providing*** the core platform service is limited. This is likely to be the case where that ~~provider~~***undertaking*** has provided a core platform service in at least three Member States to a very high number of business users and end users during at least three years.	~~of~~***undertaking providing*** the core platform service is limited. This is likely to be the case where that ~~provider~~***undertaking*** has provided a core platform service in at least ***[***three***[*** Member States to a very high number of business users and end users during at least three years.
Recital 22				
33	(22) Such thresholds can be impacted by market and technical developments. The Commission should therefore be empowered to adopt delegated acts to specify the methodology for determining whether the quantitative thresholds are met, and to regularly adjust it to market and technological developments where necessary. This is	(22) Such thresholds can be impacted by market and technical developments. The Commission should therefore be empowered to adopt delegated acts to specify the methodology for determining whether the quantitative thresholds are met ***and update the list of indicators set out in the Annex to this Regulation***, and to regularly adjust it to	(22) Such thresholds can be impacted by market and technical developments. The Commission should therefore be empowered to adopt delegated acts to specify the methodology for determining whether the quantitative thresholds are met, and to regularly adjust it to market and technological developments where necessary. This is	

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	particularly relevant in relation to the threshold referring to market capitalisation, which should be indexed in appropriate intervals.	market and technological developments where necessary. This is particularly relevant in relation to the threshold referring to market capitalisation, which should be indexed in appropriate intervals.	particularly relevant in relation to the threshold referring to market capitalisation, which should be indexed in appropriate intervals. ***Such delegated acts should not modify the quantitative thresholds set out in this Regulation.***	
Recital 23				
R 34	(23) Providers of core platform services which meet the quantitative thresholds but are able to present sufficiently substantiated arguments to demonstrate that, in the circumstances in which the relevant core platform service operates, they do not fulfil the objective requirements for a gatekeeper, should not be designated directly, but only subject to a further investigation. The burden of adducing evidence that the presumption deriving from the fulfilment of quantitative thresholds should not apply to a	(23) Providers of core platform services ~~which meet the quantitative thresholds but are~~***should be*** able to ~~present sufficiently substantiated arguments to demonstrate that, in the~~ ***demonstrate that, despite meeting the quantitative thresholds, due to the exceptional*** circumstances in which the relevant core platform service operates, they do not fulfil the objective requirements ~~for~~***to qualify as*** a gatekeeper~~, should not be designated directly, but only subject to a further investigation~~ ***only if they are able to present***	(23) ~~Providers of~~***Undertakings providing*** core platform services which meet the quantitative thresholds but are able to present sufficiently substantiated arguments to demonstrate that, in the circumstances in which the relevant core platform ~~service operates, they~~ ***services operate, they exceptionally*** do not fulfil the objective requirements for a gatekeeper ***although they meet all the quantitative thresholds***, should not be designated directly, but only subject to a further investigation ***of those sufficiently***	(23) ~~Providers of~~***Undertakings providing*** core platform services which meet the quantitative thresholds ~~but are able to present sufficiently substantiated arguments to demonstrate that, in the~~***should be able, in exceptional circumstances, to rebut the presumption by demonstrating that, in exceptional*** circumstances ~~in which the relevant core platform service operates, they do not fulfil the objective~~ ***, the undertaking does not satisfy the*** requirements ~~for a gatekeeper, should not be designated directly, but~~ R

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	specific provider should be borne by that provider In its assessment, the Commission should take into account only the elements which directly relate to the requirements for constituting a gatekeeper, namely whether it is an important gateway which is operated by a provider with a significant impact in the internal market with an entrenched and durable position, either actual or foreseeable. Any justification on economic grounds seeking to demonstrate efficiencies deriving from a specific type of behaviour by the provider of core platform services should be discarded, as it is not relevant to the designation as a gatekeeper. The Commission should be able to take a decision by relying on the quantitative thresholds where the provider significantly obstructs the investigation	***sufficiently compelling arguments to demonstrate this***. The burden of adducing ***compelling*** evidence that the presumption deriving from the fulfilment of quantitative thresholds should not apply to a specific provider should be borne by that provider ~~*In its assessment.*~~***.*** The Commission should ~~*take into account only the elements which directly relate to the requirements for constituting a gatekeeper, namely whether it is an important gateway which is operated by a provider with a significant impact in the internal market with an entrenched and durable position, either actual or foreseeable. Any justification on economic grounds seeking to demonstrate efficiencies deriving from a specific type of behaviour*~~***be able to take a decision by relying on the quantitative***	***substantiated arguments***. The burden of adducing evidence that the presumption deriving from the fulfilment of quantitative thresholds should not apply ~~*to a specific provider*~~ should be borne by ~~*that provider*~~***the undertaking.*** In its assessment ***of the evidence and arguments produced***, the Commission should take into account only the elements which directly relate to the ***quantitative*** requirements for constituting a gatekeeper, namely ~~*whether it is an important gateway which is operated by a provider with a significant impact in the internal market with an entrenched and durable position, either actual or foreseeable*~~***the impact of the undertaking on the internal market beyond revenue or market cap, such as its size in absolute terms, leadership in technology and number of Member States where it is***	~~*only subject to a further investigation*~~***of Article 3(1) although it meets all the quantitative thresholds of Article 3(2)***. The burden of adducing evidence that the presumption deriving from the fulfilment of quantitative thresholds should not apply ~~*to a specific provider*~~ should be borne by ~~*that provider*~~***the undertaking.*** In its assessment ***of the evidence and arguments produced***, the Commission should take into account only the elements which directly relate to the ~~*requirements for constituting a gatekeeper, namely whether*~~***quantitative criteria, namely the impact of the undertaking on the internal market beyond revenue or market cap, such as its size in absolute terms, and number of Member States where*** it is ~~*an important gateway which is operated by a provider with a significant*~~

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	by failing to comply with the investigative measures taken by the Commission.	***thresholds and facts available where the provider significantly obstructs the investigation by failing to comply with the investigative measures taken*** by the ~~*provider of core platform services should be discarded, as it is not relevant to the designation as a gatekeeper. The Commission should be able to take a decision by relying on the quantitative thresholds where the provider significantly obstructs the investigation by failing to comply with the investigative measures taken by the Commission*~~***Commission. In view of improving market transparency, the Commission may require that information provided regarding business and end users is verified by third party audience measurement providers qualified to provide such services in accordance with market standards and***	***present; by how much the actual business users and end users numbers exceed the thresholds and the importance of the undertaking's core platform service considering the overall size of the respective core platform service; and the number of years for which the thresholds have been met***. Any justification on economic grounds seeking to demonstrate efficiencies deriving from a specific type of behaviour by the ~~*provider of*~~***undertaking providing*** core platform services should be discarded, as it is not relevant to the designation as a gatekeeper. The Commission should be able to take a decision by relying on the quantitative thresholds where the ~~*provider*~~***undertaking*** significantly obstructs the investigation by failing to comply with the investigative measures taken by the Commission.	~~*impact in the internal market with an entrenched and durable position, either actual or foreseeable*~~***present; by how much the actual business users and end users numbers exceed the thresholds and the importance of the undertaking's core platform service considering the overall scale of activities of all undertakings providing the respective core platform service; and the number of years for which the thresholds have been met***. Any justification on economic grounds seeking to ***engage into market definition or to*** demonstrate efficiencies deriving from a specific type of behaviour by the ~~*provider of*~~***undertaking providing*** core platform services should be discarded, as it is not relevant to the designation as a gatekeeper. The Commission should be able

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		codes of conduct applicable in the Union.		to ***reject arguments submitted by the undertaking to rebut the presumption within the timeframe foreseen for the designation if the arguments submitted are not sufficiently substantiated. The Commission should be able to*** take a decision by relying on the quantitative thresholds where the ~~*provider*~~***undertaking*** significantly obstructs the investigation by failing to comply with the investigative measures taken by the Commission.
Recital 24				
35	(24) Provision should also be made for the assessment of the gatekeeper role of providers of core platform services which do not satisfy all of the quantitative thresholds, in light of the overall objective requirements that they have a significant	(24) Provision should also be made for the assessment of the gatekeeper role of providers of core platform services which do not satisfy all of the quantitative thresholds, in light of the overall objective requirements that they have a significant	(24) Provision should also be made for the assessment of the gatekeeper role of ~~*providers of*~~***undertakings providing*** core platform services which do not satisfy all of the quantitative thresholds, in light of the overall objective requirements that	(24) Provision should also be made for the assessment of the gatekeeper role of ~~*providers of*~~***undertakings providing*** core platform services which do not satisfy all of the quantitative thresholds, in light of the overall objective requirements that

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	impact on the internal market, act as an important gateway for business users to reach end users and benefit from a durable and entrenched position in their operations or it is foreseeable that it will do so in the near future.	impact on the internal market, act as an important gateway for business users to reach end users and benefit from a durable and entrenched position in their operations or it is foreseeable that it will do so in the near future.	they have a significant impact on the internal market, act as an important gateway for business users to reach end users and benefit from a durable and entrenched position in their operations or it is foreseeable that it will do so in the near future.	they have a significant impact on the internal market, act as an important gateway for business users to reach end users and benefit from a durable and entrenched position in their operations or it is foreseeable that it will do so in the near future. ***When the undertaking providing core platform services is a medium-sized, small or micro enterprise, the assessment should carefully take into account whether such an undertaking would be able to substantially undermine the contestability of the core platform services since this regulation primarily targets large undertakings with considerable economic power and not medium-sized, small or micro enterprises.***
Recital 25				
36	(25) Such an assessment can only be done in light of	(25) Such an assessment can only be done in light of	(25) Such an assessment can only be done in light of	(25) Such an assessment can only be done in light of

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	a market investigation, while taking into account the quantitative thresholds. In its assessment the Commission should pursue the objectives of preserving and fostering the level of innovation, the quality of digital products and services, the degree to which prices are fair and competitive, and the degree to which quality or choice for business users and for end users is or remains high. Elements that are specific to the providers of core platform services concerned, such as extreme scale economies, very strong network effects, an ability to connect many business users with many end users through the multi-sidedness of these services, lack-in effects, a lack of multi-homing or vertical integration, can be taken into account. In addition, a very high market capitalisation, a very high ratio of equity value over profit or a very	a market investigation, while taking into account the quantitative thresholds. In its assessment the Commission should pursue the objectives of preserving and fostering the level of innovation, the quality of digital products and services, the degree to which prices are fair and competitive, and the degree to which quality or choice for business users and for end users is or remains high. Elements that are specific to the providers of core platform services concerned, such as extreme scale economies, very strong network effects, an ability to connect many business users with many end users through the multi-sidedness of these services, lock-in effects, a lack of multi-homing or vertical integration, can be taken into account. In addition, a very high market capitalisation, a very high ratio of equity value over profit or a very	a market investigation, while taking into account the quantitative thresholds. In its assessment the Commission should pursue the objectives of preserving and fostering the level of innovation, the quality of digital products and services, the degree to which prices are fair and competitive, and the degree to which quality or choice for business users and for end users is or remains high. Elements that are specific to the ~~*providers of*~~***undertakings providing*** core platform services concerned, such as extreme scale ***or scope*** economies, very strong network effects, ***data-driven advantages***, an ability to connect many business users with many end users through the multi-sidedness of these services, lock-in effects, ~~*a*~~ lack of multi-homing, ***conglomerate corporate structure*** or vertical integration, can be taken into account. In addition, a	a market investigation, while taking into account the quantitative thresholds. In its assessment the Commission should pursue the objectives of preserving and fostering the level of innovation, the quality of digital products and services, the degree to which prices are fair and competitive, and the degree to which quality or choice for business users and for end users is or remains high. Elements that are specific to the ~~*providers of*~~***undertakings providing*** core platform services concerned, such as extreme scale ***or scope*** economies, very strong network effects, ***data-driven advantages,*** an ability to connect many business users with many end users through the multi-sidedness of these services, lock-in effects, ~~*a*~~ lack of multi-homing, ***conglomerate corporate structure*** or vertical integration, can be taken into account. In addition, a

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	high turnover derived from end users of a single core platform service can point to the tipping of the market or leveraging potential of such providers. Together with market capitalisation, high growth rates, or decelerating growth rates read together with profitability growth, are examples of dynamic parameters that are particularly relevant to identifying such providers of core platform services that are foreseen to become entrenched. The Commission should be able to take a decision by drawing adverse inferences from facts available where the provider significantly obstructs the investigation by failing to comply with the investigative measures taken by the Commission.	high turnover derived from end users of a single core platform service can point to the tipping of the market or leveraging potential of such providers. Together with market capitalisation, high growth rates, or decelerating growth rates read together with profitability growth, are examples of dynamic parameters that are particularly relevant to identifying such providers of core platform services that are foreseen to become entrenched. The Commission should be able to take a decision by drawing adverse inferences from facts available where the provider significantly obstructs the investigation by failing to comply with the investigative measures taken by the Commission.	very high market capitalisation, a very high ratio of equity value over profit or a very high turnover derived from end users of a single core platform service can point to the tipping of the market or leveraging potential of such ~~providers~~***undertakings***. Together with market capitalisation, high ~~*growth rates, or decelerating*~~***relative*** growth rates ~~*read together with profitability growth,*~~ are examples of dynamic parameters that are particularly relevant to identifying such ~~*providers of*~~***undertakings providing*** core platform services that are foreseen to become entrenched. The Commission should be able to take a decision by drawing adverse inferences from facts available where the ~~*provider*~~***undertaking*** significantly obstructs the investigation by failing to comply with the	very high market capitalisation, a very high ratio of equity value over profit or a very high turnover derived from end users of a single core platform service can point to the tipping of the market or leveraging potential of such ~~*providers*~~***undertakings***. Together with market capitalisation, high ~~*growth rates, or decelerating*~~***relative*** growth ~~*rates read together with profitability growth, are*~~***ratesare*** examples of dynamic parameters that are particularly relevant to identifying such ~~*providers of*~~***undertakings providing*** core platform services that are foreseen to become entrenched. The Commission should be able to take a decision by drawing adverse inferences from facts available where the ~~*provider*~~***undertaking*** significantly obstructs the investigation by failing to comply with the

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			investigative measures taken by the Commission.	investigative measures taken by the Commission.
Recital 26				
37	(26) A particular subset of rules should apply to those providers of core platform services that are foreseen to enjoy an entrenched and durable position in the near future. The same specific features of core platform services make them prone to tipping: once a service provider has obtained a certain advantage over rivals or potential challengers in terms of scale or intermediation power, its position may become unassailable and the situation may evolve to the point that it is likely to become durable and entrenched in the near future. Undertakings can try to induce this tipping and emerge as gatekeeper by using some of the unfair conditions and practices regulated in this Regulation. In such a	(26) A particular subset of rules should apply to those providers of core platform services that are foreseen to enjoy an entrenched and durable position in the near future. The same specific features of core platform services make them prone to tipping: once a service provider has obtained a certain advantage over rivals or potential challengers in terms of scale or intermediation power, its position may become unassailable and the situation may evolve to the point that it is likely to become durable and entrenched in the near future. Undertakings can try to induce this tipping and emerge as gatekeeper by using some of the unfair conditions and practices regulated in this Regulation. In such a	(26) A particular subset of rules should apply to those ~~providers of~~***undertakings providing*** core platform services that are foreseen to enjoy an entrenched and durable position in the near future. The same specific features of core platform services make them prone to tipping: once ~~a~~***an undertaking providing the*** service ~~provider~~ has obtained a certain advantage over rivals or potential challengers in terms of scale or intermediation power, its position may become unassailable and the situation may evolve to the point that it is likely to become durable and entrenched in the near future. Undertakings can try to induce this tipping and emerge as gatekeeper by using some of the unfair	(26) A particular subset of rules should apply to those ~~providers of~~***undertakings providing*** core platform services that are foreseen to enjoy an entrenched and durable position in the near future. The same specific features of core platform services make them prone to tipping: once ~~a~~***an undertaking providing the*** service ~~provider~~ has obtained a certain advantage over rivals or potential challengers in terms of scale or intermediation power, its position may become unassailable and the situation may evolve to the point that it is likely to become durable and entrenched in the near future. Undertakings can try to induce this tipping and emerge as gatekeeper by using some of the unfair

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	situation, it appears appropriate to intervene before the market tips irreversibly.	situation, it appears appropriate to intervene before the market tips irreversibly.	conditions and practices regulated in this Regulation. In such a situation, it appears appropriate to intervene before the market tips irreversibly.	conditions and practices regulated in this Regulation. In such a situation, it appears appropriate to intervene before the market tips irreversibly.
Recital 27				
38	(27) However, such an early intervention should be limited to imposing only those obligations that are necessary and appropriate to ensure that the services in question remain contestable and allow to avoid the qualified risk of unfair conditions and practices. Obligations that prevent the provider of core platform services concerned from achieving an entrenched and durable position in its operations, such as those preventing unfair leveraging, and those that facilitate switching and multi-homing are more directly geared towards this purpose. To ensure proportionality, the	(27) However, such an early intervention should be limited to imposing only those obligations that are necessary and appropriate to ensure that the services in question remain contestable and allow to avoid the qualified risk of unfair conditions and practices. Obligations that prevent the provider of core platform services concerned from achieving an entrenched and durable position in its operations, such as those preventing unfair leveraging, and those that facilitate switching and multi-homing are more directly geared towards this purpose. To ensure proportionality, the	(27) However, such an early intervention should be limited to imposing only those obligations that are necessary and appropriate to ensure that the services in question remain contestable and allow to avoid the qualified risk of unfair conditions and practices. Obligations that prevent the ~~provider of~~ ***undertaking providing*** core platform services concerned from achieving an entrenched and durable position in its operations, such as those preventing unfair leveraging, and those that facilitate switching and multi-homing are more directly geared towards this purpose. To ensure	(27) However, such an early intervention should be limited to imposing only those obligations that are necessary and appropriate to ensure that the services in question remain contestable and allow to avoid the qualified risk of unfair conditions and practices. Obligations that prevent the ~~provider of~~ ***undertaking providing*** core platform services concerned from achieving an entrenched and durable position in its operations, such as those preventing unfair leveraging, and those that facilitate switching and multi-homing are more directly geared towards this purpose. To ensure

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	Commission should moreover apply from that subset of obligations only those that are necessary and proportionate to achieve the objectives of this Regulation and should regularly review whether such obligations should be maintained, suppressed or adapted.	Commission should moreover apply from that subset of obligations only those that are necessary and proportionate to achieve the objectives of this Regulation and should regularly review whether such obligations should be maintained, suppressed or adapted.	proportionality, the Commission should moreover apply from that subset of obligations only those that are necessary and proportionate to achieve the objectives of this Regulation and should regularly review whether such obligations should be maintained, suppressed or adapted.	proportionality, the Commission should moreover apply from that subset of obligations only those that are necessary and proportionate to achieve the objectives of this Regulation and should regularly review whether such obligations should be maintained, suppressed or adapted.
Recital 28				
G 39	(28) This should allow the Commission to intervene in time and effectively, while fully respecting the proportionality of the considered measures. It should also reassure actual or potential market participants about the fairness and contestability of the services concerned.	(28) This should allow the Commission to intervene in time and effectively, while fully respecting the proportionality of the considered measures. It should also reassure actual or potential market participants about the fairness and contestability of the services concerned.	(28) This should allow the Commission to intervene in time and effectively, while fully respecting the proportionality of the considered measures. It should also reassure actual or potential market participants about the fairness and contestability of the services concerned.	(28) This should allow the Commission to intervene in time and effectively, while fully respecting the proportionality of the considered measures. It should also reassure actual or potential market participants about the fairness and contestability of the services concerned. G
Recital 29				
G 40	(29) Designated gatekeepers should comply with the obligations laid	(29) Designated gatekeepers should comply with the obligations laid	(29) Designated gatekeepers should comply with the obligations laid	(29) Designated gatekeepers should comply with the obligations laid G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	down in this Regulation in respect of each of the core platform services listed in the relevant designation decision. The mandatory rules should apply taking into account the conglomerate position of gatekeepers, where applicable. Furthermore, implementing measures that the Commission may by decision impose on the gatekeeper following a regulatory dialogue should be designed in an effective manner, having regard to the features of core platform services as well as possible circumvention risks and in compliance with the principle of proportionality and the fundamental rights of the undertakings concerned as well as those of third parties.	down in this Regulation in respect of each of the core platform services listed in the relevant designation decision. The mandatory rules should apply taking into account the conglomerate position of gatekeepers, where applicable. Furthermore, implementing measures that the Commission may by decision impose on the gatekeeper ~~*following a regulatory dialogue*~~ should be designed in an effective manner, having regard to the features of core platform services as well as possible circumvention risks and in compliance with the principle of proportionality and the fundamental rights of the undertakings concerned as well as those of third parties.	down in this Regulation in respect of each of the core platform services listed in the relevant designation decision. The mandatory rules should apply taking into account the conglomerate position of gatekeepers, where applicable. Furthermore, implementing measures that the Commission may by decision impose on the gatekeeper following a regulatory dialogue should be designed in an effective manner, having regard to the features of core platform services as well as possible circumvention risks and in compliance with the principle of proportionality and the fundamental rights of the undertakings concerned as well as those of third parties.	down in this Regulation in respect of each of the core platform services listed in the relevant designation decision. The mandatory rules should apply taking into account the conglomerate position of gatekeepers, where applicable. Furthermore, implementing measures that the Commission may by decision impose on the gatekeeper ~~*following a regulatory dialogue*~~ should be designed in an effective manner, having regard to the features of core platform services as well as possible circumvention risks and in compliance with the principle of proportionality and the fundamental rights of the undertakings concerned as well as those of third parties.
Recital 30				
G 41	(30) The very rapidly changing and complex technological nature of core	(30) The very rapidly changing and complex technological nature of core	(30) The very rapidly changing and complex technological nature of core	(30) The very rapidly changing and complex technological nature of core G

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	platform services requires a regular review of the status of gatekeepers, including those that are foreseen to enjoy a durable and entrenched position in their operations in the near future. To provide all of the market participants, including the gatekeepers, with the required certainty as to the applicable legal obligations, a time limit for such regular reviews is necessary. It is also important to conduct such reviews on a regular basis and at least every two years.	platform services requires a regular review of the status of gatekeepers, including those that are foreseen to enjoy a durable and entrenched position in their operations in the near future. To provide all of the market participants, including the gatekeepers, with the required certainty as to the applicable legal obligations, a time limit for such regular reviews is necessary. It is also important to conduct such reviews on a regular basis and at least every ~~two years~~***year***.	platform services requires a regular review of the status of gatekeepers, including those that are foreseen to enjoy a durable and entrenched position in their operations in the near future. To provide all of the market participants, including the gatekeepers, with the required certainty as to the applicable legal obligations, a time limit for such regular reviews is necessary. It is also important to conduct such reviews on a regular basis and at least every ~~two~~***four*** years. ***Furthermore, it is important to clarify that not every change of the facts on the basis of which an undertaking providing core platform services has been designated as a gatekeeper will mean that the designation decision needs to be amended. This will only be the case if the changed facts also lead to a change in the assessment. Whether the latter is the case and the***	platform services requires a regular review of the status of gatekeepers, including those that are foreseen to enjoy a durable and entrenched position in their operations in the near future. To provide all of the market participants, including the gatekeepers, with the required certainty as to the applicable legal obligations, a time limit for such regular reviews is necessary. It is also important to conduct such reviews on a regular basis and at least every ~~two~~***three*** years. ***Furthermore, it is important to clarify that not every change of the facts on the basis of which an undertaking providing core platform services has been designated as a gatekeeper will mean that the designation decision needs to be amended. This will only be the case if the changed facts also lead to a change in the assessment. Whether the latter is the case and the***

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			designation decision needs to be amended should be based on a case-by-case assessment of the individual facts and circumstances.	***designation decision needs to be amended should be based on a case-by-case assessment of the individual facts and circumstances.***
Recital 31				
42	(31) To ensure the effectiveness of the review of gatekeeper status as well as the possibility to adjust the list of core platform services provided by a gatekeeper, the gatekeepers should inform the Commission of all of their intended and concluded acquisitions of other providers of core platform services or any other services provided within the digital sector. Such information should not only serve the review process mentioned above, regarding the status of individual gatekeepers, but will also provide information that is crucial to monitoring broader contestability trends in the digital sector	(31) To ensure the effectiveness of the review of gatekeeper status as well as the possibility to adjust the list of core platform services provided by a gatekeeper, the gatekeepers should inform the Commission of all of their intended and concluded acquisitions of other providers of core platform services or any other services provided within the digital sector. Such information should not only serve the review process mentioned above, regarding the status of individual gatekeepers, but will also provide information that is crucial to monitoring broader contestability trends in the digital sector	(31) To ensure the effectiveness of the review of gatekeeper status as well as the possibility to adjust the list of core platform services provided by a gatekeeper, the gatekeepers should inform the Commission of all of their intended and concluded acquisitions***, prior to their implementation,*** of other ~~*providers of*~~***undertakings providing*** core platform services or any other services provided within the digital sector. Such information should not only serve the review process mentioned above, regarding the status of individual gatekeepers, but will also provide information that is crucial to monitoring	(31) To ensure the effectiveness of the review of gatekeeper status as well as the possibility to adjust the list of core platform services provided by a gatekeeper, the gatekeepers should inform the Commission of all of their intended ~~*and concluded acquisitions*~~***acquisitions, prior to their implementation,*** of other ~~*providers of*~~***undertakings providing*** core platform services or any other services provided within the digital sector ***or that enables the collection of digital data***. Such information should not only serve the review process mentioned above, regarding the status of individual

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	and can therefore be a useful factor for consideration in the context of the market investigations foreseen by this Regulation.	and can therefore be a useful factor for consideration in the context of the market investigations foreseen by this Regulation. ***The Commission should inform competent national authorities of such notifications. The information gathered may be used to trigger the referral system set out in Article 22 of the Regulation (EC) No 139/2004.***	broader contestability trends in the digital sector and can therefore be a useful factor for consideration in the context of the market investigations foreseen by this Regulation. ***Furthermore, the Commission should inform Member States of such information, given the possibility of using the information for national merger control purposes and as under certain circumstances the competent national authority may refer those acquisitions to the Commission for the purposes of merger control. The Commission should also publish a summary of the concentration, specifying the parties to the concentration, their field of activity, the nature of the concentration and the list of the Member States concerned by the operation. To ensure the necessary transparency***	gatekeepers, but will also provide information that is crucial to monitoring broader contestability trends in the digital sector and can therefore be a useful factor for consideration in the context of the market investigations foreseen by this Regulation. ***Furthermore, the Commission should inform Member States of such information, given the possibility of using the information for national merger control purposes and as under certain circumstances the competent national authority may refer those acquisitions to the Commission for the purposes of merger control. The Commission should also publish a summary of the concentration, specifying the parties to the concentration, their field of activity, the nature of the concentration and the list of the Member States***

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			and usefulness of such information for different purposes foreseen by this Regulation, gatekeepers should provide at least information about the undertakings concerned by the concentration, their EEA and worldwide annual turnover, their field of activity, including activities directly related to the concentration, the transaction value or an estimation thereof, a summary of the concentration, including its nature and rationale, as well as a list of the Member States concerned by the operation.	***concerned by the operation. To ensure the necessary transparency and usefulness of such information for different purposes foreseen by this Regulation, gatekeepers should provide at least information about the undertakings concerned by the concentration, their Union and worldwide annual turnover, their field of activity, including activities directly related to the concentration, the transaction value or an estimation thereof, a summary of the concentration, including its nature and rationale, as well as a list of the Member States concerned by the operation.***
Recital 32				
43	(32) To safeguard the fairness and contestability of core platform services provided by gatekeepers, it is necessary to provide in a clear and unambiguous	(32) To safeguard the fairness and contestability of core platform services provided by gatekeepers, it is necessary to provide in a clear and unambiguous	(32) To safeguard the fairness and contestability of core platform services provided by gatekeepers, it is necessary to provide in a clear and unambiguous	(32) To safeguard the fairness and contestability of core platform services provided by gatekeepers, it is necessary to provide in a clear and unambiguous

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	manner for a set of harmonised obligations with regard to those services. Such rules are needed to address the risk of harmful effects of unfair practices imposed by gatekeepers, to the benefit of the business environment in the services concerned, to the benefit of users and ultimately to the benefit of society as a whole. Given the fast-moving and dynamic nature of digital markets, and the substantial economic power of gatekeepers, it is important that these obligations are effectively applied without being circumvented. To that end, the obligations in question should apply to any practices by a gatekeeper, irrespective of its form and irrespective of whether it is of a contractual, commercial, technical or any other nature, insofar as a practice corresponds to the type of practice that is the subject of one of the	manner for a set of harmonised obligations with regard to those services. Such rules are needed to address the risk of harmful effects of unfair practices imposed by gatekeepers, to the benefit of the business environment in the services concerned, to the benefit of users and ultimately to the benefit of society as a whole. Given the fast-moving and dynamic nature of digital markets, and the substantial economic power of gatekeepers, it is important that these obligations are effectively applied without being circumvented. To that end, the obligations in question should apply to any ~~practices~~***behaviour*** by a gatekeeper, irrespective of its form and irrespective of whether it is of a contractual, commercial, technical or any other nature, insofar as ~~a~~***it could, in*** practice***, have an equivalent object or effect***	manner for a set of harmonised obligations with regard to those services. Such rules are needed to address the risk of harmful effects of unfair practices imposed by gatekeepers, to the benefit of the business environment in the services concerned, to the benefit of users and ultimately to the benefit of society as a whole. Given the fast-moving and dynamic nature of digital markets, and the substantial economic power of gatekeepers, it is important that these obligations are effectively applied without being circumvented. To that end, the obligations in question should apply to any practices by a gatekeeper, irrespective of its form and irrespective of whether it is of a contractual, commercial, technical or any other nature, insofar as a practice corresponds to the type of practice that is the subject of one of the obligations of	manner for a set of harmonised obligations with regard to those services. Such rules are needed to address the risk of harmful effects of unfair practices imposed by gatekeepers, to the benefit of the business environment in the services concerned, to the benefit of users and ultimately to the benefit of society as a whole. Given the fast-moving and dynamic nature of digital markets, and the substantial economic power of gatekeepers, it is important that these obligations are effectively applied without being circumvented. To that end, the obligations in question should apply to any practices by a gatekeeper, irrespective of its form and irrespective of whether it is of a contractual, commercial, technical or any other nature, insofar as a practice corresponds to the type of practice that is the subject of one of the

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	obligations of this Regulation.	~~*corresponds*~~ to the ~~*type of practice that is the subject of one of the obligations of this Regulation*~~***practices that are prohibited under this Regulation. Such behaviour includes the design used by the gatekeeper, the presentation of end-user choices in a non-neutral manner, or using the structure, function or manner of operation of a user interface or a part thereof to subvert or impair user autonomy, decision-making, or choice***.	this Regulation.	obligations of this Regulation. ***The gatekeepers should not engage in behaviour that would undermine the effectiveness of the prohibitions and obligations laid down in this Regulation. Such behaviour includes the design used by the gatekeeper, the presentation of end-user choices in a non-neutral manner, or using the structure, function or manner of operation of a user interface or a part thereof to subvert or impair user autonomy, decision-making, or choice. Furthermore, the gatekeeper should not be allowed to engage in any behaviour undermining interoperability as required under this Regulation, such as for example by using unjustified technical protection measures, discriminatory terms of service, unlawful subjecting application***

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				programming interfaces to copyright or providing misleading information. Gatekeepers should not be allowed to circumvent their designation by artificially segmenting, dividing, subdividing , fragmenting or splitting this core platform service to circumvent the quantitative thresholds laid down in this regulation.
Recital 33				
44	(33) The obligations laid down in this Regulation are limited to what is necessary and justified to address the unfairness of the identified practices by gatekeepers and to ensure contestability in relation to core platform services provided by gatekeepers. Therefore, the obligations should correspond to those practices that are considered unfair by taking into account the features of the digital sector and where experience gained, for	(33) The obligations laid down in this Regulation are limited to what is necessary and justified to address the unfairness of the identified practices by gatekeepers and to ensure contestability in relation to core platform services provided by gatekeepers. Therefore, the obligations should correspond to those practices that are considered unfair by taking into account the features of the digital sector and where experience gained, for	(33) The obligations laid down in this Regulation are limited to what is necessary and justified to address the unfairness of the identified practices by gatekeepers and to ensure contestability in relation to core platform services provided by gatekeepers. Therefore, the obligations should correspond to those practices that are considered unfair by taking into account the features of the digital sector and where experience gained, for	

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	example in the enforcement of the EU competition rules, shows that they have a particularly negative direct impact on the business users and end users. In addition, it is necessary to provide for the possibility of a regulatory dialogue with gatekeepers to tailor those obligations that are likely to require specific implementing measures in order to ensure their effectiveness and proportionality. The obligations should only be updated after a thorough investigation on the nature and impact of specific practices that may be newly identified, following an in-depth investigation, as unfair or limiting contestability in the same manner as the unfair practices laid down in this Regulation while potentially escaping the scope of the current set of obligations.	example in the enforcement of the EU competition rules, shows that they have a particularly negative direct impact on the business users and end users. ***The obligations laid down in the Regulation should take into account the nature of the core platform services provided and the presence of different business models.*** In addition, it is necessary to provide for the possibility of a regulatory dialogue with gatekeepers to tailor those obligations that are likely to require specific implementing measures in order to ensure their effectiveness and proportionality. The obligations should only be updated after a thorough investigation on the nature and impact of specific practices that may be newly identified~~, *following an in-depth investigation*~~, as unfair or limiting contestability in the same manner as the unfair	example in the enforcement of the EU competition rules, shows that they have a particularly negative direct impact on the business users and end users. ***The obligations laid down in this regulation may specifically take into account the nature of the core platform services provided.*** In addition, it is necessary to provide for the possibility of a regulatory dialogue with gatekeepers to tailor those obligations that are likely to require specific implementing measures in order to ensure their effectiveness and proportionality. The obligations should only be updated after a thorough investigation on the nature and impact of specific practices that may be newly identified, following an in-depth investigation, as unfair or limiting contestability in the same manner as the unfair practices laid down in this Regulation while	

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		practices laid down in this Regulation while potentially escaping the scope of the current set of obligations.	potentially escaping the scope of the current set of obligations. ***The Commission should be able to launch an investigation with a view to determining whether the existing obligations would need to be updated, either on its own initiative or following a justified request of at least three Member States. When presenting such justified requests Member States may include information on newly introduced offers of products, services, software or features which raise concerns of contestability or fairness, whether implemented in the context of existing core platform services or otherwise. Where, following a market investigation, the Commission deems it necessary to modify essential elements of the present Regulation, such as the inclusion of new obligations that depart***	

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			from the same contestability or fairness issues addressed by this Regulation, the Commission should advance a proposal to amend the Regulation.	
Recital 34				
45	(34) The combination of these different mechanisms for imposing and adapting obligations should ensure that the obligations do not extend beyond observed unfair practices, while at the same time ensuring that new or evolving practices can be the subject of intervention where necessary and justified.	(34) The combination of these different mechanisms for imposing and adapting obligations should ensure that the obligations do not extend beyond observed unfair practices, while at the same time ensuring that new or evolving practices can be the subject of intervention where necessary and justified.	(34) The combination of these different mechanisms for imposing and adapting obligations should ensure that the obligations do not extend beyond observed unfair practices, while at the same time ensuring that new or evolving practices can be the subject of intervention ~~where~~***to the extent*** necessary and justified.	(34) The combination of these different mechanisms for imposing and adapting obligations should ensure that the obligations do not extend beyond observed unfair practices, while at the same time ensuring that new or evolving practices can be the subject of intervention ~~where~~***to the extent*** necessary and justified.
Recital 35				
46	(35) The obligations laid down in this Regulation are necessary to address identified public policy concerns, there being no alternative and less	(35) The obligations laid down in this Regulation are necessary to address identified public policy concerns, there being no alternative and less	(35) The obligations laid down in this Regulation are necessary to address identified public policy concerns, there being no alternative and less	(35) The obligations laid down in this Regulation are necessary to address identified public policy concerns, there being no alternative and less

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	restrictive measures that would effectively achieve the same result, having regard to need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices.	restrictive measures that would effectively achieve the same result, having regard to need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices.	restrictive measures that would effectively achieve the same result, having regard to need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices.	restrictive measures that would effectively achieve the same result, having regard to need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices.
Recital 36				
R 47	(36) The conduct of combining end user data from different sources or signing in users to different services of gatekeepers gives them potential advantages in terms of accumulation of data, thereby raising barriers to entry. To ensure that gatekeepers do not unfairly undermine the contestability of core platform services, they should enable their end users to freely choose to opt-in to such business practices by offering a less personalised alternative. The possibility should cover all possible sources of personal data, including	(36) The conduct of combining end user data from different sources or signing in users to different services of gatekeepers gives them potential advantages in terms of accumulation of data, thereby raising barriers to entry. To ensure that gatekeepers do not unfairly undermine the contestability of core platform services, they should enable their end users to freely choose to opt-in to such business practices by offering a less personalised ***but equivalent*** alternative. ***The less personalized alternative should not be different or***	(36) The conduct of combining end user data from different sources or signing in users to different services of gatekeepers gives them potential advantages in terms of accumulation of data, thereby raising barriers to entry. To ensure that gatekeepers do not unfairly undermine the contestability of core platform services, they should enable their end users to freely choose to opt-in to such business practices by offering a less personalised ***but equivalent*** alternative***, and without making the core platform service or certain***	R

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	own services of the gatekeeper as well as third party websites, and should be proactively presented to the end user in an explicit, clear and straightforward manner.	***of degraded quality compared to the service offered to the end users who provide consent to the combining of their personal data***. The possibility should cover all possible sources of personal data, including own services of the gatekeeper as well as third party websites, and should be proactively presented to the end user in an explicit, clear and straightforward manner.	***functionalities thereof conditional upon the end user's consent in the sense of Article 6(1) point (a) of Regulation (EU) 2016/679. This should be without prejudice to the right of the gatekeeper to, subject to end user's consent according to Article 6(1) point (a) of the Regulation (EU) 2016/679, combine data or sign in users to a service under the legal basis established under Article 6(1) of Regulation (EU) 2016/679, with the exception of Article 6(1) points (b) and (f) concerning processing necessary for the execution of a contract or for the purpose of a legitimate interest of the gatekeeper, which are explicitly excluded in this context to avoid the circumvention of this obligation. The less personalized alternative should not be different or of degraded quality compared to the service offered to the end users***	

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			who provide consent to the combining of their personal data, unless the initial quality of the service provided precisely depends on the combination of such data. Also, this ~~*The*~~ possibility ***of data combination*** should cover all possible sources of personal data, including own ***core platform*** services ~~*of*~~***and other services offered by*** the gatekeeper as well as third party ***services (where data is obtained, for example, via cookies or like buttons included on third party*** websites***). When the gatekeeper requests consent, it***~~*, and*~~ should ~~*be proactively presented*~~***proactively present a user-friendly solution*** to the end user ***to provide, modify or revoke consent*** in an explicit, clear and straightforward manner. ***Consent should be given by a clear affirmative act establishing a freely given, specific,***	

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			informed and unambiguous indication of agreement by the end user. At the time of giving consent, the user should be informed that a refusal may lead to a less personalized offer, but that otherwise the core platform service will remain unchanged and that no functionalities will be suppressed. Lastly, the end user should be presented with the possibility of giving consent to these business practices on a granular basis for each of the core platform services and other services offered by the gatekeeper. End users should be also entitled to subsequently withdraw their consent, if previously provided.	
Recital 36a				
47a		***(36a) Minors merit specific protection with regard to their personal data, in particular as***		

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		regards the use for the purposes of marketing or creating personality or user profiles and the collection of personal data. Therefore, personal data of minors collected or otherwise generated by gatekeepers should not be processed for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising.		
Recital 36b				
47b		***(36b) In order to safeguard a fair end user choice, refusing consent should not be more difficult than giving consent. In addition, to safeguard the end users rights and freedoms, the processing of personal data for advertising purposes should be in line with the requirements of data minimisation under Article 5 (1)(c) of Regulation (EU) 2016/679. Furthermore, the***		

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		processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, as well as the data concerning health or a natural person's sex life or sexual orientation should be strictly limited and subject to the appropriate safeguards as outlined in Article 9 of the Regulation (EU) 2016/679.		
Recital 37				
48	(37) Because of their position, gatekeepers might in certain cases restrict the ability of business users of their online intermediation services to offer their goods or services to end users under more favourable conditions, including price, through other online intermediation services. Such restrictions have a significant deterrent effect on the business users of gatekeepers in terms of	(37) Because of their position, gatekeepers might in certain cases, ***through the imposition of contractual terms and conditions,*** restrict the ability of business users of their online intermediation services to offer their goods or services to end users under more favourable conditions, including price, through other online intermediation services ***or through direct business***	(37) Because of their position, gatekeepers might in certain cases restrict the ability of business users of their online intermediation services to offer their goods or services to end users under more favourable conditions, including price, through other online intermediation services. Such restrictions have a significant deterrent effect on the business users of gatekeepers in terms of	

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	their use of alternative online intermediation services, limiting inter-platform contestability, which in turn limits choice of alternative online intermediation channels for end users. To ensure that business users of online intermediation services of gatekeepers can freely choose alternative online intermediation services and differentiate the conditions under which they offer their products or services to their end users, it should not be accepted that gatekeepers limit business users from choosing to differentiate commercial conditions, including price. Such a restriction should apply to any measure with equivalent effect, such as for example increased commission rates or de-listing of the offers of business users.	***channels***. Such restrictions have a significant deterrent effect on the business users of gatekeepers in terms of their use of alternative online intermediation services ***or direct distribution channels***, limiting inter-platform contestability, which in turn limits choice of alternative online intermediation channels for end users. To ensure that business users of online intermediation services of gatekeepers can freely choose alternative online intermediation services ***or other direct distribution channels*** and differentiate the conditions under which they offer their products or services to their end users, it should not be accepted that gatekeepers limit business users from choosing to differentiate commercial conditions, including price. Such a restriction should apply to any measure with equivalent effect, such as for example increased	their use of alternative online intermediation services, limiting inter-platform contestability, which in turn limits choice of alternative online intermediation channels for end users. To ensure that business users of online intermediation services of gatekeepers can freely choose alternative online intermediation services and differentiate the conditions under which they offer their products or services to their end users, it should not be accepted that gatekeepers limit business users from choosing to differentiate commercial conditions, including price. Such a restriction should apply to any measure with equivalent effect, such as for example increased commission rates or de-listing of the offers of business users.	

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		commission rates or de-listing of the offers of business users.		
Recital 38				
R 49	(38) To prevent further reinforcing their dependence on the core platform services of gatekeepers, the business users of these gatekeepers should be free in promoting and choosing the distribution channel they consider most appropriate to interact with any end users that these business users have already acquired through core platform services provided by the gatekeeper. Conversely, end users should also be free to choose offers of such business users and to enter into contracts with them either through core platform services of the gatekeeper, if applicable, or from a direct distribution channel of the business user or another indirect distribution channel such	(38) To prevent further reinforcing their dependence on the core platform services of gatekeepers, the business users of these gatekeepers should be free in promoting and choosing the distribution channel they consider most appropriate to interact with any end users that these business users have already acquired through core platform services provided by the gatekeeper ***or through other channels. An acquired end user is an end user who has already entered into a contractual relationship with the business user. Such contractual relationships may be on either a paid or a free basis (e.g., free trials, free service tiers) and may have been entered***	(38) To prevent further reinforcing their dependence on the core platform services of gatekeepers, ***and in order to promote multi-homing,*** the business users of these gatekeepers should be free in promoting and choosing the distribution channel they consider most appropriate to interact with any end users ~~*that these business users have already acquired*~~***with whom the commercial relationship has previously been established either*** through core platform services provided by the gatekeeper ***or through other channels***. Conversely, end users should also be free to choose offers of such business users and to enter into contracts with them either through core	R

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	business user may use. This should apply to the promotion of offers and conclusion of contracts between business users and end users. Moreover, the ability of end users to freely acquire content, subscriptions, features or other items outside the core platform services of the gatekeeper should not be undermined or restricted. In particular, it should be avoided that gatekeepers restrict end users from access to and use of such services via a software application running on their core platform service. For example, subscribers to online content purchased outside a software application download or purchased from a software application store should not be prevented from accessing such online content on a software application on the gatekeeper's core platform service simply because it was purchased outside such	***into either on the gatekeeper's core platform service or through any other channel***. Conversely, end users should also be free to choose offers of such business users and to enter into contracts with them either through core platform services of the gatekeeper, if applicable, or from a direct distribution channel of the business user or another indirect distribution channel such business user may use. This should apply to the promotion of offers***,*** ***communication*** and conclusion of contracts between business users and end users. Moreover, the ability of end users to freely acquire content, subscriptions, features or other items outside the core platform services of the gatekeeper should not be undermined or restricted. In particular, it should be avoided that gatekeepers restrict end users from access to and use of such	platform services of the gatekeeper, if applicable, or from a direct distribution channel of the business user or another indirect distribution channel such business user may use. This should apply to the promotion of offers and conclusion of contracts between business users and end users. ~~*Moreover, the ability of end users to freely acquire content, subscriptions, features or other items outside the core platform services of the gatekeeper should not be undermined or restricted. In particular, it should be avoided that gatekeepers restrict end users from access to and use of such services via a software application running on their core platform service. For example, subscribers to online content purchased outside a software application download or purchased from a software application store should not be prevented from*~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	software application or software application store.	services via a software application running on their core platform service. For example, subscribers to online content purchased outside a software application download or purchased from a software application store should not be prevented from accessing such online content on a software application on the gatekeeper's core platform service simply because it was purchased outside such software application or software application store.	~~accessing such online content on a software application on the gatekeeper's core platform service simply because it was purchased outside such software application or software application store.~~	
Recital 38a				
R 49a			***(38a) The ability of end users to acquire content, subscriptions, features or other items outside the core platform services of the gatekeeper should not be undermined or restricted. In particular, it should be avoided that gatekeepers restrict end users from access to and use of such services via a***	R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			software application running on their core platform service. For example, subscribers to online content purchased outside a software application download or purchased from a software application store should not be prevented from accessing such online content on a software application on the gatekeeper's core platform service simply because it was purchased outside such software application or software application store.	
Recital 39				
50	(39) To safeguard a fair commercial environment and protect the contestability of the digital sector it is important to safeguard the right of business users to raise concerns about unfair behaviour by gatekeepers with any relevant administrative or other	(39) To safeguard a fair commercial environment and protect the contestability of the digital sector it is important to safeguard the right of business users ***and end users, including whistleblowers*** to raise concerns about unfair behaviour by gatekeepers	(39) To safeguard a fair commercial environment and protect the contestability of the digital sector it is important to safeguard the right of business users ***and end users*** to raise concerns about unfair behaviour by gatekeepers with any relevant administrative or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	public authorities. For example, business users may want to complain about different types of unfair practices, such as discriminatory access conditions, unjustified closing of business user accounts or unclear grounds for product de-listings. Any practice that would in any way inhibit such a possibility of raising concerns or seeking available redress, for instance by means of confidentiality clauses in agreements or other written terms, should therefore be prohibited. This should be without prejudice to the right of business users and gatekeepers to lay down in their agreements the terms of use including the use of lawful complaints-handling mechanisms, including any use of alternative dispute resolution mechanisms or of the jurisdiction of specific courts in compliance with respective Union and national law	with any relevant administrative or other public authorities. For example, business users ***or end users*** may want to complain about different types of unfair practices, such as discriminatory access conditions, unjustified closing of business user accounts or unclear grounds for product de-listings. Any practice that would in any way inhibit ***or hinder*** such a possibility of raising concerns or seeking available redress, for instance by means of confidentiality clauses in agreements or other written terms, should therefore be prohibited. This should be without prejudice to the right of business users and gatekeepers to lay down in their agreements the terms of use including the use of lawful complaints-handling mechanisms, including any use of alternative dispute resolution mechanisms or of the jurisdiction of	other public authorities, ***including national courts***. For example, business users ***and end users*** may want to complain about different types of unfair practices, such as discriminatory access conditions, unjustified closing of business user accounts or unclear grounds for product de-listings. Any practice that would in any way inhibit ***or hamper*** such a possibility of raising concerns or seeking available redress, for instance by means of confidentiality clauses in agreements or other written terms ***or unduly hamper by stipulating which steps to take first***, should therefore be prohibited. This should be without prejudice to the right of business users and gatekeepers to lay down in their agreements the terms of use including the use of lawful complaints-handling mechanisms, including any use of alternative dispute resolution mechanisms or	

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	This should therefore also be without prejudice to the role gatekeepers play in the fight against illegal content online.	specific courts in compliance with respective Union and national law This should therefore also be without prejudice to the role gatekeepers play in the fight against illegal content online.	of the jurisdiction of specific courts in compliance with respective Union and national law. This should therefore also be without prejudice to the role gatekeepers play in the fight against illegal content online.	
Recital 40				
51	(40) Identification services are crucial for business users to conduct their business, as these can allow them not only to optimise services, to the extent allowed under Regulation (EU) 2016/679 and Directive 2002/58/EC of the European Parliament and of the Council[1], but also to inject trust in online transactions, in compliance with Union or national law. Gatekeepers should therefore not use their position as provider of core platform services to require their dependent business users to include any identification services	(40) ~~Identification~~ ***Gatekeepers offer a range of ancillary*** services. ***To ensure contestability, it is*** ~~are~~ crucial ~~for~~ ***that*** business users ***are free to choose such ancillary services without having to fear any detrimental effects for the provision of the core platform service and*** to conduct their business, as these can allow them not only to optimise services, to the extent allowed under Regulation (EU) 2016/679 and Directive 2002/58/EC of the European Parliament and of the Council[1], but also to inject trust in online	(40) Identification ***and payment*** services are crucial for business users to conduct their business, as these can allow them not only to optimise services, to the extent allowed under Regulation (EU) 2016/679 and Directive 2002/58/EC ~~of the European Parliament and of the Council~~[H], but also to inject trust in online transactions, in compliance with Union or national law. Gatekeepers should therefore not use their position as ~~provider of~~ ***undertakings providing*** core platform services to require their dependent business users to include	

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	provided by the gatekeeper itself as part of the provision of services or products by these business users to their end users, where other identification services are available to such business users. _____ 1. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).	transactions, in compliance with Union or national law. Gatekeepers should therefore not use their position as provider of core platform services to require their dependent business users to ***use, offer or include any ancillary service provided by the gatekeeper or a particular third party, where other ancillary services are available to such business users. Gatekeepers should eventually not use their position as provider of core platform services to require their dependent business users to*** include any identification services provided by the gatekeeper itself as part of the provision of services or products by these business users to their end users, where other identification services are available to such business users. _____ 1. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of	any identification ***or payment*** services provided by the gatekeeper itself as part of the provision of services or products by these business users to their end users~~, where other identification services are available to such business users.~~. _____ ~~1. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).~~	

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		personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).		
Recital 41				
52	(41) Gatekeepers should not restrict the free choice of end users by technically preventing switching between or subscription to different software applications and services. Gatekeepers should therefore ensure a free choice irrespective of whether they are the manufacturer of any hardware by means of which such software applications or services are accessed and should not raise artificial technical barriers so as to make switching impossible or ineffective. The mere offering of a given product or service to end users, including by means of pre-installation, as well the improvement of end user	(41) Gatekeepers should not restrict the free choice of end users by technically preventing switching between or subscription to different software applications and services. Gatekeepers should therefore ensure a free choice irrespective of whether they are the manufacturer of any hardware by means of which such software applications or services are accessed and should not raise artificial technical barriers so as to make switching ~~impossible~~***more difficult*** or ineffective. The mere offering of a given product or service to end users, including by means of pre-installation, as well the improvement of end	(41) ~~Gatekeepers should not restrict the free choice of~~***The conduct of requiring business users or*** end users ~~by technically preventing switching between or subscription to different software applications and~~***to subscribe to or register with any other core platform*** services~~ of~~ gatekeepers ~~should therefore ensure a free choice irrespective of whether they are the manufacturer of any hardware by~~***as a condition to access, sign up to or register for a core platform service gives the gatekeeper a*** means of ~~which such software applications or services are accessed and should not raise artificial technical~~	

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	offering, such as better prices or increased quality, would not in itself constitute a barrier to switching.	user offering, such as better prices or increased quality, would not in itself constitute a barrier to switching.	~~*barriers so as to make switching impossible or ineffective. The mere offering of a given product or service to end users, including by means of pre-installation, as well the improvement of end user offering, such as better prices or increased quality, would not in itself constitute a barrier to switching*~~***capturing and locking-in new business users and end users for their core platform services by ensuring that business users cannot access one core platform service without also at least registering or creating an account for the purposes of receiving a second core platform service. This conduct also gives gatekeepers a potential advantage in terms of accumulation of data. As such, this conduct is liable to raise barriers to entry***.	
Recital 42				
53				

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	(42) The conditions under which gatekeepers provide online advertising services to business users including both advertisers and publishers are often non-transparent and opaque. This opacity is partly linked to the practices of a few platforms, but is also due to the sheer complexity of modern day programmatic advertising. The sector is considered to have become more non-transparent after the introduction of new privacy legislation, and is expected to become even more opaque with the announced removal of third-party cookies. This often leads to a lack of information and knowledge for advertisers and publishers about the conditions of the advertising services they purchased and undermines their ability to switch to alternative providers of online advertising services. Furthermore, the costs of online advertising are likely	(42) The conditions under which gatekeepers provide online advertising services to business users including both advertisers and publishers are often non-transparent and opaque. This opacity is partly linked to the practices of a few platforms, but is also due to the sheer complexity of modern day programmatic advertising. The sector is considered to have become more non-transparent after the introduction of new privacy legislation, and is expected to become even more opaque with the announced removal of third-party cookies. This often leads to a lack of information and knowledge for advertisers and publishers about the conditions of the advertising services they purchased and undermines their ability to switch to alternative providers of online advertising services. Furthermore, the costs of online advertising are likely	(42) The conditions under which gatekeepers provide online advertising services to business users including both advertisers and publishers are often non-transparent and opaque. This opacity is partly linked to the practices of a few platforms, but is also due to the sheer complexity of modern day programmatic advertising. The sector is considered to have become more non-transparent after the introduction of new privacy legislation, and is expected to become even more opaque with the announced removal of third-party cookies. This often leads to a lack of information and knowledge for advertisers and publishers about the conditions of the advertising services they purchased and undermines their ability to switch to alternative ~~providers of~~***undertakings providing*** online advertising services. Furthermore, the costs of	(42) ***:*** The conditions under which gatekeepers provide online advertising services to business users including both advertisers and publishers are often non-transparent and opaque. This opacity is partly linked to the practices of a few platforms, but is also due to the sheer complexity of modern day programmatic advertising. The sector is considered to have become more non-transparent after the introduction of new privacy legislation~~, and is expected to become even more opaque with the announced removal of third-party cookies~~. This often leads to a lack of information and knowledge for advertisers and publishers about the conditions of the advertising services they ~~purchased~~***purchase*** and undermines their ability to switch ~~to alternative providers of~~***between undertakings providing***

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	to be higher than they would be in a fairer, more transparent and contestable platform environment. These higher costs are likely to be reflected in the prices that end users pay for many daily products and services relying on the use of online advertising. Transparency obligations should therefore require gatekeepers to provide advertisers and publishers to whom they supply online advertising services, when requested and to the extent possible, with information that allows both sides to understand the price paid for each of the different advertising services provided as part of the relevant advertising value chain.	to be higher than they would be in a fairer, more transparent and contestable platform environment. These higher costs are likely to be reflected in the prices that end users pay for many daily products and services relying on the use of online advertising. Transparency obligations should therefore require gatekeepers to provide advertisers and publishers to whom they supply online advertising services, ***with free of charge, effective, high-quality, continuous and real-time*** when requested and to the extent possible, with information that allows both sides to understand the price paid for each of the different advertising services provided as part of the relevant advertising value chain ***and the availability and visibility of advertisement***.	online advertising are likely to be higher than they would be in a fairer, more transparent and contestable platform environment. These higher costs are likely to be reflected in the prices that end users pay for many daily products and services relying on the use of online advertising. Transparency obligations should therefore require gatekeepers to provide advertisers and publishers to whom they supply online advertising services, ~~*when requested*~~***within one month after a request*** and to the extent possible, with information that allows both sides to understand the price paid for each of the different advertising services provided as part of the relevant advertising value chain.	online advertising services. Furthermore, the costs of online advertising ***under these conditions*** are likely to be higher than they would be in a fairer, more transparent and contestable platform environment. These higher costs are likely to be reflected in the prices that end users pay for many daily products and services relying on the use of online advertising. Transparency obligations should therefore require gatekeepers to provide advertisers and publishers to whom they supply online advertising services, when requested***, with free of charge*** ~~*and to the extent possible, with*~~ information that allows both sides to understand the price paid for each of the different advertising services provided as part of the relevant advertising value chain. ***This information should be provided, upon request, to an advertiser at the level of an individual***

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				advertisement in relation to the price and fees charged to that advertiser and, subject to an agreement by the publisher owning the inventory where the advertisement is displayed, the remuneration received by that consenting publisher. The provision of this information on a daily basis will allow advertisers to receive information that has a sufficient level of granularity necessary to compare the costs of using the online advertising services of gatekeepers with the costs of using online advertising services of alternative undertakings. In case some publishers do not provide their consent to the sharing of the relevant information with the advertiser, the gatekeeper should provide the advertiser with the information about the daily average remuneration received by

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				those publishers for the relevant advertisements. The same obligation and principles of sharing the relevant information concerning the provision of advertising services should apply in case of requests by publishers. Since gatekeepers may use different pricing models for the provision of advertising services to advertisers and publishers, for instance a price per impression, per view or any other criterion, gatekeepers should also provide the method with which each of the prices and remunerations are calculated.
Recital 43				
54	(43) A gatekeeper may in certain circumstances have a dual role as a provider of core platform services whereby it provides a core platform service to its business users, while also competing with those same	(43) A gatekeeper may in certain circumstances have a dual role as a provider of core platform services whereby it provides a core platform service to its business users, while also competing with those same	(43) A gatekeeper may in certain circumstances have a dual role as ~~*a provider of*~~***an undertaking providing*** core platform services whereby it provides a core platform service ***possibly together***	

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	business users in the provision of the same or similar services or products to the same end users. In these circumstances, a gatekeeper may take advantage of its dual role to use data, generated from transactions by its business users on the core platform, for the purpose of its own services that offer similar services to that of its business users. This may be the case, for instance, where a gatekeeper provides an online marketplace or app store to business users, and at the same time offer services as an online retailer or provider of application software against those business users. To prevent gatekeepers from unfairly benefitting from their dual role, it should be ensured that they refrain from using any aggregated or non-aggregated data, which may include anonymised and personal data that is not publicly available to offer	business users in the provision of the same or similar services or products to the same end users. In these circumstances, a gatekeeper may take advantage of its dual role to use data, generated from transactions by its business users on the core platform, for the purpose of its own services that offer similar services to that of its business users. This may be the case, for instance, where a gatekeeper provides an online marketplace or app store to business users, and at the same time offer services as an online retailer or provider of application software against those business users. To prevent gatekeepers from unfairly benefitting from their dual role, it should be ensured that they refrain from using any aggregated or non-aggregated data, which may include anonymised and personal data that is not publicly available to offer	***with an ancillary service*** to its business users, while also competing with those same business users in the provision of the same or similar services or products to the same end users. In these circumstances, a gatekeeper may take advantage of its dual role to use data, generated from transactions by its business users on the core platform ***services or on the ancillary services***, for the purpose of its own services that offer similar services to that of its business users. This may be the case, for instance, where a gatekeeper provides an online marketplace or app store to business users, and at the same time offer services as an online retailer or ~~*provider of*~~***undertaking providing*** application software against those business users. To prevent gatekeepers from unfairly benefitting from their dual role, it should be ensured that they refrain from using	

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	similar services to those of their business users. This obligation should apply to the gatekeeper as a whole, including but not limited to its business unit that competes with the business users of a core platform service.	similar services to those of their business users. This obligation should apply to the gatekeeper as a whole, including but not limited to its business unit that competes with the business users of a core platform service.	any aggregated or non-aggregated data, which may include anonymised and personal data that is not publicly available to offer similar services to those of their business users. This obligation should apply to the gatekeeper as a whole, including but not limited to its business unit that competes with the business users of a core platform service ***and the ancillary services***.	
Recital 44				
55	(44) Business users may also purchase advertising services from a provider of core platform services for the purpose of providing goods and services to end users. In this case, it may occur that the data are not generated on the core platform service, but are provided to the core platform service by the business user or are generated based on its operations through the core	(44) Business users may also purchase advertising services from a provider of core platform services for the purpose of providing goods and services to end users. In this case, it may occur that the data are not generated on the core platform service, but are provided to the core platform service by the business user or are generated based on its operations through the core	(44) Business users may also purchase advertising services from ~~*a provider of*~~***an undertaking providing*** core platform services for the purpose of providing goods and services to end users. In this case, it may occur that the data are not generated on the core platform service, but are provided to the core platform service by the business user or are generated based on its	(44) Business users may also purchase advertising services from ~~*a provider of*~~***an undertaking providing*** core platform services for the purpose of providing goods and services to end users. In this case, it may occur that the data are not generated on the core platform service, but are provided to the core platform service by the business user or are generated based on its

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	platform service concerned. In certain instances, that core platform service providing advertising may have a dual role, as intermediary and as provider of advertising services. Accordingly, the obligation prohibiting a dual role gatekeeper from using data of business users should apply also with respect to the data that a core platform service has received from businesses for the purpose of providing advertising services related to that core platform service.	platform service concerned. In certain instances, that core platform service providing advertising may have a dual role, as intermediary and as provider of advertising services. Accordingly, the obligation prohibiting a dual role gatekeeper from using data of business users should apply also with respect to the data that a core platform service has received from businesses for the purpose of providing advertising services related to that core platform service. ***Moreover the gatekeeper should refrain from disclosing any commercially sensitive information obtained in connection with one of its advertising services to any third party belonging to the same undertaking and from using such commercially sensitive information for any purposes other than the provision of the specific advertising service unless***	operations through the core platform service concerned. In certain instances, that core platform service providing advertising may have a dual role, as intermediary and as ~~provider of~~***undertaking providing*** advertising services. Accordingly, the obligation prohibiting a dual role gatekeeper from using data of business users should apply also with respect to the data that a core platform service has received from businesses for the purpose of providing advertising services related to that core platform service.	operations through the core platform service concerned. In certain instances, that core platform service providing advertising may have a dual role, as intermediary and as ~~provider of~~***undertaking providing*** advertising services. Accordingly, the obligation prohibiting a dual role gatekeeper from using data of business users should apply also with respect to the data that a core platform service has received from businesses for the purpose of providing advertising services related to that core platform service. ***Moreover the gatekeeper should refrain from disclosing any commercially sensitive information obtained in connection with one of its advertising services to any third party belonging to the same undertaking and from using such commercially sensitive information for any purposes other than the***

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		this is necessary for carrying out a business transaction.		***provision of the specific advertising service unless this is necessary for carrying out a business transaction.***
Recital 45				
56	(45) In relation to cloud computing services, this obligation should extend to data provided or generated by business users of the gatekeeper in the context of their use of the cloud computing service of the gatekeeper, or through its software application store that allows end users of cloud computing services access to software applications. This obligation should not affect the right of gatekeepers to use aggregated data for providing ancillary data analytics services, subject to compliance with Regulation 2016/679 and Directive 2002/58/EC as well as with the relevant obligations in this Regulation concerning	(45) In relation to cloud computing services, this obligation should extend to data provided or generated by business users of the gatekeeper in the context of their use of the cloud computing service of the gatekeeper, or through its software application store that allows end users of cloud computing services access to software applications. This obligation should not affect the right of gatekeepers to use aggregated data for providing ancillary data analytics services, subject to compliance with Regulation 2016/679 and Directive 2002/58/EC as well as with the relevant obligations in this Regulation concerning	(45) In relation to cloud computing services, this obligation should extend to data provided or generated by business users of the gatekeeper in the context of their use of the cloud computing service of the gatekeeper, or through its software application store that allows end users of cloud computing services access to software applications. This obligation should not affect the right of gatekeepers to use aggregated data for providing ancillary data analytics services, subject to compliance with ~~*Regulation 2016/679 and*~~ ***Regulation (EU) 2016/679 and*** Directive 2002/58/EC as well as with the relevant obligations in this	(45) In relation to cloud computing services, this obligation should extend to data provided or generated by business users of the gatekeeper in the context of their use of the cloud computing service of the gatekeeper, or through its software application store that allows end users of cloud computing services access to software applications. This obligation should not affect the right of gatekeepers to use aggregated data for providing ancillary data analytics services, subject to compliance with ~~*Regulation 2016/679 and*~~ ***Regulation (EU) 2016/679 and*** Directive 2002/58/EC as well as with the relevant obligations in this

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	ancillary services.	ancillary services.	Regulation concerning ancillary services.	Regulation concerning ancillary services.
Recital 46				
57	(46) A gatekeeper may use different means to favour its own services or products on its core platform service, to the detriment of the same or similar services that end users could obtain through third parties. This may for instance be the case where certain software applications or services are pre-installed by a gatekeeper. To enable end user choice, gatekeepers should not prevent end users from un-installing any pre-installed software applications on its core platform service and thereby favour their own software applications.	(46) A gatekeeper may use different means to favour its own services or products on its core platform service, to the detriment of the same or similar services that end users could obtain through third parties. This may for instance be the case where certain software applications or services are pre-installed by a gatekeeper. To enable end user choice, gatekeepers should not prevent end users from un-installing any pre-installed software applications on its core platform service and thereby favour their own software applications. ***The gatekeeper may restrict such un-installation when such applications are essential to the functioning of the operating system or the device.***	(46) A gatekeeper ~~*may*~~***can*** use different means to favour its own ***or third party*** services or products on ~~*its core platform service*~~***an operating system it provides or effectively controls***, to the detriment of the same or similar services that end users could obtain through third parties. This may for instance be the case where certain software applications or services are pre-installed by a gatekeeper. To enable end user choice, gatekeepers should not ***exclusively enable their own software applications and should not*** prevent end users from un-installing any pre-installed software applications on ***an operating system they provide or effectively control*** its core platform service and thereby favour	

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			their own ***or third party*** software applications.	
Recital 47				
58	(47) The rules that the gatekeepers set for the distribution of software applications may in certain circumstances restrict the ability of end users to install and effectively use third party software applications or software application stores on operating systems or hardware of the relevant gatekeeper and restrict the ability of end users to access these software applications or software application stores outside the core platform services of that gatekeeper. Such restrictions may limit the ability of developers of software applications to use alternative distribution channels and the ability of end users to choose between different software applications from different distribution channels and	(47) The rules that the gatekeepers set for the distribution of software applications may in certain circumstances restrict the ability of end users to install and effectively use third party software applications or software application stores on operating systems or hardware of the relevant gatekeeper and restrict the ability of end users to access these software applications or software application stores outside the core platform services of that gatekeeper. Such restrictions may limit the ability of developers of software applications to use alternative distribution channels and the ability of end users to choose between different software applications from different distribution channels and	(47) The rules that the gatekeepers set for the distribution of software applications may in certain circumstances restrict the ability of end users to install and effectively use third party software applications or software application stores on operating systems or hardware of the relevant gatekeeper and restrict the ability of end users to access these software applications or software application stores outside the core platform services of that gatekeeper. Such restrictions may limit the ability of developers of software applications to use alternative distribution channels and the ability of end users to choose between different software applications from different distribution channels and	

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	should be prohibited as unfair and liable to weaken the contestability of core platform services. In order to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper the gatekeeper concerned may implement proportionate technical or contractual measures to achieve that goal if the gatekeeper demonstrates that such measures are necessary and justified and that there are no less restrictive means to safeguard the integrity of the hardware or operating system.	should be prohibited as unfair and liable to weaken the contestability of core platform services. ***To ensure contestability, the gatekeeper should prompt where relevant the end user to decide whether the downloaded application or app store should become the default.*** In order to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper the gatekeeper concerned may implement proportionate technical or contractual measures to achieve that goal if the gatekeeper demonstrates that such measures are necessary and justified and that there are no less restrictive means to safeguard the integrity of the hardware or operating system.	should be prohibited as unfair and liable to weaken the contestability of core platform services. In order to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper the gatekeeper concerned may implement ***necessary and*** proportionate technical or contractual measures to achieve that goal if the gatekeeper demonstrates that such measures are necessary and justified and that there are no less restrictive means to safeguard the integrity of the hardware or operating system.	
Recital 47a				
58a				

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			(47a) Furthermore, in order to enable end users to safeguard their security, the gatekeeper should not be prevented from taking the strictly necessary and proportionate technical measures, if the gatekeeper demonstrates that such measures are necessary and justified and that there are no less restrictive means to achieve this goal. This may include appropriate security-related information by gatekeepers and, for the purpose of parental control, the possibility for end users to deactivate and reactivate third party software applications or software applications stores.	
Recital 48				
59	(48) Gatekeepers are often vertically integrated and offer certain products or services to end users through their own core platform services, or	(48) Gatekeepers are often vertically integrated and offer certain products or services to end users through their own core platform services, or	(48) Gatekeepers are often vertically integrated and offer certain products or services to end users through their own core platform services, or	

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	through a business user over which they exercise control which frequently leads to conflicts of interest. This can include the situation whereby a gatekeeper offers its own online intermediation services through an online search engine. When offering those products or services on the core platform service, gatekeepers can reserve a better position to their own offering, in terms of ranking, as opposed to the products of third parties also operating on that core platform service. This can occur for instance with products or services, including other core platform services, which are ranked in the results communicated by online search engines, or which are partly or entirely embedded in online search engines results, groups of results specialised in a certain topic, displayed along with the results of an	through a business user over which they exercise control which frequently leads to conflicts of interest. This can include the situation whereby a gatekeeper offers its own online intermediation services through an online search engine. When offering those products or services on the core platform service, gatekeepers can reserve a better position to their own offering, in terms of ranking, as opposed to the products of third parties also operating on that core platform service. This can occur for instance with products or services, including other core platform services, which are ranked in the results communicated by online search engines, or which are partly or entirely embedded in online search engines results, groups of results specialised in a certain topic, displayed along with the results of an	through a business user over which they exercise control which frequently leads to conflicts of interest. This can include the situation whereby a gatekeeper offers its own online intermediation services through an online search engine. When offering those products or services on the core platform service, gatekeepers can reserve a better position to their own offering ***of online intermediation services, online social networking services or video-sharing platform services***, in terms of ranking, as opposed to the products of third parties also operating on that core platform service. This can occur for instance with products or services, including other core platform services, which are ranked in the results communicated by online search engines, or which are partly or entirely embedded in online search	

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	online search engine, which are considered or used by certain end users as a service distinct or additional to the online search engine. Other instances are those of software applications which are distributed through software application stores, or products or services that are given prominence and display in the newsfeed of a social network, or products or services ranked in search results or displayed on an online marketplace. In those circumstances, the gatekeeper is in a dual-role position as intermediary for third party providers and as direct provider of products or services of the gatekeeper. Consequently, these gatekeepers have the ability to undermine directly the contestability for those products or services on these core platform services, to the detriment of business users which are not controlled by the gatekeeper.	online search engine, which are considered or used by certain end users as a service distinct or additional to the online search engine. ***Such preferential or embedded display of a separate online intermediation service should constitute a favouring irrespective of whether the information or results within the favoured groups of specialised results may also be provided by competing services and are as such ranked in a non-discriminatory way.*** Other instances are those of software applications which are distributed through software application stores, or products or services that are given prominence and display in the newsfeed of a social network, or products or services ranked in search results or displayed on an online marketplace. In those circumstances, the gatekeeper is in a dual-role position as intermediary for	engines results, groups of results specialised in a certain topic, displayed along with the results of an online search engine, which are considered or used by certain end users as a service distinct or additional to the online search engine. Other instances are those of software applications which are distributed through software application stores, or products or services that are given prominence and display in the newsfeed of a social network, or products or services ranked in search results or displayed on an online marketplace. In those circumstances, the gatekeeper is in a dual-role position as intermediary for third party ~~*providers*~~***undertakings*** and as ~~*direct provider of*~~***undertaking directly providing*** products or services of the gatekeeper. Consequently, these gatekeepers have the ability to undermine directly the	

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		third party providers and as direct provider of products or services of the gatekeeper ***leading to conflicts of interest***. Consequently, these gatekeepers have the ability to undermine directly the contestability for those products or services on these core platform services, to the detriment of business users which are not controlled by the gatekeeper.	contestability for those products or services on these core platform services, to the detriment of business users which are not controlled by the gatekeeper.	
Recital 49				
R 60	(49) In such situations, the gatekeeper should not engage in any form of differentiated or preferential treatment in ranking on the core platform service, whether through legal, commercial or technical means, in favour of products or services it offers itself or through a business user which it controls. To ensure that this obligation is effective, it should also be	(49) In such situations, the gatekeeper should not engage in any form of differentiated or preferential treatment in ranking on the core platform service, whether through legal, commercial or technical means, in favour of products or services it offers itself or through a business user which it controls. To ensure that this obligation is effective, it should also be	(49) In such situations, the gatekeeper should not engage in any form of differentiated or preferential treatment in ranking on the core platform service, whether through legal, commercial or technical means, in favour of products or services it offers itself or through a business user which it controls. To ensure that this obligation is effective, it should also be	(49) ***:*** In such situations, the gatekeeper should not engage in any form of differentiated or preferential treatment in ranking on the core platform service, ***including indexing and crawling,*** whether through legal, commercial or technical means, in favour of products or services it offers itself or through a R

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	ensured that the conditions that apply to such ranking are also generally fair. Ranking should in this context cover all forms of relative prominence, including display, rating, linking or voice results. To ensure that this obligation is effective and cannot be circumvented it should also apply to any measure that may have an equivalent effect to the differentiated or preferential treatment in ranking. The guidelines adopted pursuant to Article 5 of Regulation (EU) 2019/1150 should also facilitate the implementation and enforcement of this obligation.[1] 1. Commission Notice: Guidelines on ranking transparency pursuant to Regulation (EU) 2019/1150 of the European Parliament and of the Council (OJ C 424, 8.12.2020, p. 1).	ensured that the conditions that apply to such ranking are also generally fair. Ranking should in this context cover all forms of relative prominence, including display, rating, linking or voice results. To ensure that this obligation is effective and cannot be circumvented it should also apply to any measure that may have an equivalent effect to the differentiated or preferential treatment in ranking. ***In addition, to avoid any conflicts of interest, gatekeepers should be required to treat its own product or services, as a separate commercial entity that is commercially viable as a stand-alone service.*** The guidelines adopted pursuant to Article 5 of Regulation (EU) 2019/1150 should also facilitate the implementation and enforcement of this obligation.[1] 1. Commission Notice: Guidelines on ranking	ensured that the conditions that apply to such ranking are also generally fair. Ranking should in this context cover all forms of relative prominence, including display, rating, linking or voice results. To ensure that this obligation is effective and cannot be circumvented it should also apply to any measure that may have an equivalent effect to the differentiated or preferential treatment in ranking. The guidelines adopted pursuant to Article 5 of Regulation (EU) 2019/1150 should also facilitate the implementation and enforcement of this obligation.[1] 1. Commission Notice: Guidelines on ranking transparency pursuant to Regulation (EU) 2019/1150 of the European Parliament and of the Council (OJ C 424, 8.12.2020, p. 1).	business user which it controls. To ensure that this obligation is effective, it should also be ensured that the conditions that apply to such ranking are also generally fair. Ranking should in this context cover all forms of relative prominence, including display, rating, linking or voice results ***and should also include situations where a core platform service, [such as a virtual assistant], communicates only one result to the end user***. To ensure that this obligation is effective and cannot be circumvented it should also apply to any measure that may have an equivalent effect to the differentiated or preferential treatment in ranking. The guidelines adopted pursuant to Article 5 of Regulation (EU) 2019/1150 should also facilitate the implementation and enforcement of this obligation.[1]

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		transparency pursuant to Regulation (EU) 2019/1150 of the European Parliament and of the Council (OJ C 424, 8.12.2020, p. 1).		~~1. Commission Notice: Guidelines on ranking transparency pursuant to Regulation (EU) 2019/1150 of the European Parliament and of the Council (OJ C 424, 8.12.2020, p. 1).~~
Recital 50				
R 61	(50) Gatekeepers should not restrict or prevent the free choice of end users by technically preventing switching between or subscription to different software applications and services. This would allow more providers to offer their services, thereby ultimately providing greater choice to the end user. Gatekeepers should ensure a free choice irrespective of whether they are the manufacturer of any hardware by means of which such software applications or services are accessed and shall not raise artificial technical barriers so as to make switching impossible or ineffective.	(50) Gatekeepers should not restrict or prevent the free choice of end users by technically preventing switching between or subscription to different software applications and services. This would allow more providers to offer their services, thereby ultimately providing greater choice to the end user. Gatekeepers should ensure a free choice irrespective of whether they are the manufacturer of any hardware by means of which such software applications or services are accessed and shall not raise artificial technical barriers so as to make switching impossible or ineffective.	(50) Gatekeepers should not restrict or prevent the free choice of end users by technically ***or otherwise*** preventing switching between or subscription to different software applications and services. This would allow more ~~providers~~***undertakings*** to offer their services, thereby ultimately providing greater choice to the end user. Gatekeepers should ensure a free choice irrespective of whether they are the manufacturer of any hardware by means of which such software applications or services are accessed and shall not raise artificial technical ***or other*** barriers so as to make	(50) Gatekeepers should not restrict or prevent the free choice of end users by technically ***or otherwise*** preventing switching between or subscription to different software applications and services. This would allow more ~~providers~~***undertakings*** to offer their services, thereby ultimately providing greater choice to the end user. Gatekeepers should ensure a free choice irrespective of whether they are the manufacturer of any hardware by means of which such software applications or services are accessed and shall not raise artificial technical ***or other*** barriers so as to make R

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	The mere offering of a given product or service to consumers, including by means of pre-installation, as well as the improvement of the offering to end users, such as price reductions or increased quality, should not be construed as constituting a prohibited barrier to switching.	The mere offering of a given product or service to consumers, including by means of pre-installation, as well as the improvement of the offering to end users, such as price reductions or increased quality, should not be construed as constituting a prohibited barrier to switching.	switching impossible or ineffective. The mere offering of a given product or service to consumers, including by means of pre-installation, as well as the improvement of the offering to end users, such as price reductions or increased quality, should not be construed as constituting a prohibited barrier to switching.	switching impossible or ineffective. The mere offering of a given product or service to consumers, including by means of pre-installation, as well as the improvement of the offering to end users, such as price reductions or increased quality, should not be construed as constituting a prohibited barrier to switching.
Recital 51				
R 62	(51) Gatekeepers can hamper the ability of end users to access online content and services including software applications. Therefore, rules should be established to ensure that the rights of end users to access an open internet are not compromised by the conduct of gatekeepers. Gatekeepers can also technically limit the ability of end users to effectively switch between different Internet access service	(51) Gatekeepers can hamper the ability of end users to access online content and services including software applications. Therefore, rules should be established to ensure that the rights of end users to access an open internet are not compromised by the conduct of gatekeepers. Gatekeepers can also technically limit the ability of end users to effectively switch between different Internet access service	(51) Gatekeepers can hamper the ability of end users to access online content and services including software applications. Therefore, rules should be established to ensure that the rights of end users to access an open internet are not compromised by the conduct of gatekeepers. Gatekeepers can also technically limit the ability of end users to effectively switch between different ***undertakings providing***	(51) Gatekeepers can hamper the ability of end users to access online content and services including software applications. Therefore, rules should be established to ensure that the rights of end users to access an open internet are not compromised by the conduct of gatekeepers. Gatekeepers can also technically limit the ability of end users to effectively switch between different ***undertakings providing*** R

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	providers, in particular through their control over operating systems or hardware. This distorts the level playing field for Internet access services and ultimately harms end users. It should therefore be ensured that gatekeepers do not unduly restrict end users in choosing their Internet access service provider.	providers, in particular through their control over operating systems or hardware. This distorts the level playing field for Internet access services and ultimately harms end users. It should therefore be ensured that gatekeepers do not unduly restrict end users in choosing their Internet access service provider.	Internet access service ~~*providers*~~, in particular through their control over operating systems or hardware. This distorts the level playing field for Internet access services and ultimately harms end users. It should therefore be ensured that gatekeepers do not unduly restrict end users in choosing ***the undertaking providing*** their Internet access service ~~*provider*~~.	Internet access service ~~*providers*~~, in particular through their control over operating systems or hardware. This distorts the level playing field for Internet access services and ultimately harms end users. It should therefore be ensured that gatekeepers do not unduly restrict end users in choosing ***the undertaking providing*** their Internet access service ~~*provider*~~.
Recital 52				
63	(52) Gatekeepers may also have a dual role as developers of operating systems and device manufacturers, including any technical functionality that such a device may have. For example, a gatekeeper that is a manufacturer of a device may restrict access to some of the functionalities in this device, such as near-field-communication technology and the software used to	(52) Gatekeepers may also have a dual role as developers of operating systems and device manufacturers, including any technical functionality that such a device may have. For example, a gatekeeper that is a manufacturer of a device may restrict access to some of the functionalities in this device, such as near-field-communication technology and the software used to	(52) Gatekeepers may also have a dual role as developers of operating systems and device manufacturers, including any technical functionality that such a device may have. For example, a gatekeeper that is a manufacturer of a device may restrict access to some of the functionalities in this device, such as near-field-communication technology and the software used to	(52) Gatekeepers may also have a dual role as developers of operating systems and device manufacturers, including any technical functionality that such a device may have. For example, a gatekeeper that is a manufacturer of a device may restrict access to some of the functionalities in this device, such as near-field-communication technology and the software used to

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	operate that technology, which may be required for the effective provision of an ancillary service by the gatekeeper as well as by any potential third party provider of such an ancillary service. Such access may equally be required by software applications related to the relevant ancillary services in order to effectively provide similar functionalities as those offered by gatekeepers. If such a dual role is used in a manner that prevents alternative providers of ancillary services or of software applications to have access under equal conditions to the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services, this could significantly undermine innovation by providers of such ancillary services as well as choice for end users of such	operate that technology, which may be required for the effective provision of an ancillary service by the gatekeeper as well as by any potential third party provider of such an ancillary service. Such access may equally be required by software applications related to the relevant ancillary services in order to effectively provide similar functionalities as those offered by gatekeepers. If such a dual role is used in a manner that prevents alternative providers of ancillary services or of software applications to have access under equal conditions to the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services, this could significantly undermine innovation by providers of such ancillary services as well as choice for end users of such	operate that technology, which may be required for the effective provision of an ancillary service by the gatekeeper as well as by any potential third party ~~*provider of*~~***undertaking providing*** such an ancillary service. Such access may equally be required by software applications related to the relevant ancillary services in order to effectively provide similar functionalities as those offered by gatekeepers. If such a dual role is used in a manner that prevents alternative ~~*providers of*~~***undertakings providing*** ancillary services or of software applications to have access under equal conditions to the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services, this could significantly undermine innovation by ~~*providers of*~~***undertakings providing*** such ancillary	operate that technology, which may be required for the effective provision of an ancillary service by the gatekeeper as well as by any potential third party ~~*provider of*~~***undertaking providing*** such an ancillary service. Such access may equally be required by software applications related to the relevant ancillary services in order to effectively provide similar functionalities as those offered by gatekeepers. If such a dual role is used in a manner that prevents alternative ~~*providers of*~~***undertakings providing*** ancillary services or of software applications to have access under equal conditions to the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services, this could significantly undermine innovation by ~~*providers of*~~***undertakings providing*** such ancillary

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	ancillary services. The gatekeepers should therefore be obliged to ensure access under equal conditions to, and interoperability with, the same operating system, hardware or software features that are available or used in the provision of any ancillary services by the gatekeeper.	ancillary services. The gatekeepers should therefore be obliged to ensure access under equal conditions to, and interoperability with, the same operating system, hardware or software features that are available or used in the provision of any ancillary services by the gatekeeper.	services as well as choice for end users of such ancillary services. The gatekeepers should therefore be obliged to ensure access under equal conditions to, and interoperability with, the same operating system, hardware or software features that are available or used in the provision of any ancillary services by the gatekeeper.	services as well as choice for end users of such ancillary services. The gatekeepers should therefore be obliged to ensure access under equal conditions to, and interoperability with, the same operating system, hardware or software features that are available or used in the provision of any ancillary services by the gatekeeper.
Recital 52a				
63a		***(52a) The lack of interconnection features among the gatekeeper services may substantially affect users choice and ability to switch due to the incapacity for end user to reconstruct social connections and networks provided by the gatekeeper even if multi-homing is possible. Therefore, it should be allowed for any providers of equivalent core platform services to interconnect with the***		

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		gatekeepers number independent interpersonal communication services or social network services upon their request and free of charge. Interconnection should be provided under the conditions and quality that are available or used by the gatekeeper, while ensuring a high level of security and personal data protection. In the particular case of number-dependant intercommunication services, interconnection requirements should mean giving the possibility for third-party providers to request access and interconnection for features such as text, video, voice and picture, while it should provide access and interconnection on basic features such as posts, likes and comments for social networking services. Interconnection measures of number-independent interpersonal communication services		

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		should be imposed in accordance with the provisions of the Electronic Communications Code and particularly the conditions and procedures laid down in Article 61 thereof. It should nevertheless presume that the providers of number-independent interpersonal communications services that has been designated as a gatekeeper, reaches the conditions required to trigger the procedures, namely they reach a significant level of coverage and user uptake, and should therefore provide for minimum applicable interoperability requirements.		
Recital 53				
R 64	(53) The conditions under which gatekeepers provide online advertising services to business users including both advertisers and publishers are often non-	(53) The conditions under which gatekeepers provide online advertising services to business users including both advertisers and publishers are often non-	(53) The conditions under which gatekeepers provide online advertising services to business users including both advertisers and publishers are often non-	(53) The conditions under which gatekeepers provide online advertising services to business users including both advertisers and publishers are often non- R

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	transparent and opaque. This often leads to a lack of information for advertisers and publishers about the effect of a given ad. To further enhance fairness, transparency and contestability of online advertising services designated under this Regulation as well as those that are fully integrated with other core platform services of the same provider, the designated gatekeepers should therefore provide advertisers and publishers, when requested, with free of charge access to the performance measuring tools of the gatekeeper and the information necessary for advertisers, advertising agencies acting on behalf of a company placing advertising, as well as for publishers to carry out their own independent verification of the provision of the relevant online advertising services.	transparent and opaque. This often leads to a lack of information for advertisers and publishers about the effect of a given ad. To further enhance fairness, transparency and contestability of online advertising services designated under this Regulation as well as those that are fully integrated with other core platform services of the same provider, the designated gatekeepers should therefore provide advertisers and publishers ***for entire disclosure and transparency of the parameters and data used for decision making***, ***execution and measurement of the intermediation services. A gatekeeper should further provide*** when requested, with free of charge access to the performance measuring tools of the gatekeeper and the information necessary for advertisers, advertising	transparent and opaque. This often leads to a lack of information for advertisers and publishers about the effect of a given ad. To further enhance fairness, transparency and contestability of online advertising services designated under this Regulation as well as those that are fully integrated with other core platform services of the same ~~provider~~***undertaking***, the designated gatekeepers should therefore provide advertisers and publishers, when requested, with free of charge access to the performance measuring tools of the gatekeeper and the information***, including aggregated data,*** necessary for advertisers, advertising agencies acting on behalf of a company placing advertising, as well as for publishers to carry out their own independent verification of the provision of the relevant online advertising services	transparent and opaque. This often leads to a lack of information for advertisers and publishers about the effect of a given ad. To further enhance fairness, transparency and contestability of online advertising services designated under this Regulation as well as those that are fully integrated with other core platform services of the same ~~provider~~***undertaking***, the designated gatekeepers should therefore provide advertisers and publishers ***for entire disclosure and transparency of the parameters and data used for decision making, execution and measurement of the intermediation services. A gatekeeper should further provide*** ~~,~~ when requested, with free of charge access to the performance measuring tools of the gatekeeper and the information***, including aggregated data,*** necessary

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		agencies acting on behalf of a company placing advertising, as well as for publishers to carry out their own independent verification of the provision of the relevant online advertising services.	***effectively***.	for advertisers, advertising agencies acting on behalf of a company placing advertising, as well as for publishers to carry out their own independent verification of the provision of the relevant online advertising services ***effectively***.
Recital 54				
R 65	(54) Gatekeepers benefit from access to vast amounts of data that they collect while providing the core platform services as well as other digital services. To ensure that gatekeepers do not undermine the contestability of core platform services as well as the innovation potential of the dynamic digital sector by restricting the ability of business users to effectively port their data, business users and end users should be granted effective and immediate access to the data they	(54) Gatekeepers benefit from access to vast amounts of data that they collect while providing the core platform services as well as other digital services. To ensure that gatekeepers do not undermine the contestability of core platform services as well as the innovation potential of the dynamic digital sector by restricting the ability of business users to effectively port their data, business users and end users should be granted effective and immediate access to the data they	(54) Gatekeepers benefit from access to vast amounts of data that they collect while providing the core platform services as well as other digital services. To ensure that gatekeepers do not undermine the contestability of core platform services as well as the innovation potential of the dynamic digital sector by restricting ~~*the ability of business users to effectively port their data, business users and*~~ ***switching or multi-homing,*** end users should be granted effective and immediate access to the	R

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	provided or generated in the context of their use of the relevant core platform services of the gatekeeper, in a structured, commonly used and machine-readable format. This should apply also to any other data at different levels of aggregation that may be necessary to effectively enable such portability. It should also be ensured that business users and end users can port that data in real time effectively, such as for example through high quality application programming interfaces. Facilitating switching or multi-homing should lead, in turn, to an increased choice for business users and end users and an incentive for gatekeepers and business users to innovate.	provided or generated in the context of their use of the relevant core platform services of the gatekeeper, in a structured, commonly used and machine-readable format. This should apply also to any other data at different levels of aggregation that may be necessary to effectively enable such portability. It should also be ensured that business users and end users can port that data in real time effectively, such as for example through high quality application programming interfaces. Facilitating switching or multi-homing should lead, in turn, to an increased choice for business users and end users and an incentive for gatekeepers and business users to innovate.	data they provided or ~~*generated in the context of*~~***that was generated through*** their ~~*use of*~~***activity on*** the relevant core platform services of the gatekeeper~~*, in a structured, commonly used and machine-readable format. This should apply also to any other data at different levels of aggregation that may be necessary to effectively enable such portability. It*~~ ***for the purposes of portability of the data in line with Regulation (EU) 2016/679. The data should be received in a format that can be immediately and effectively accessed and used by the end user or the relevant third party to which the data is ported. Gatekeepers*** should also ~~*be ensured that business*~~***ensure by means of appropriate technical measures, such as application programming interfaces, that end*** users ~~*and*~~***or third parties***	

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			authorised by end users can port ~~*that data*~~ ***the data continuously and*** in real time***. This should apply also to any other data at different levels of aggregation that may be necessary to effectively enable such portability*** ~~*effectively, such as for example through high quality application programming interfaces*~~. Facilitating switching or multi-homing should lead, in turn, to an increased choice for ~~*business users and*~~ end users and an incentive for gatekeepers and business users to innovate.	
Recital 55				
R 66	(55) Business users that use large core platform services provided by gatekeepers and end users of such business users provide and generate a vast amount of data, including data inferred from such use. In order to ensure that	(55) Business users that use large core platform services provided by gatekeepers and end users of such business users provide and generate a vast amount of data, including data inferred from such use. In order to ensure that	(55) Business users that use ~~*large*~~ core platform services provided by gatekeepers and end users of such business users provide and generate a vast amount of data, including data inferred from such use. In order to ensure that	(55) Business users that use ~~*large*~~ core platform services provided by gatekeepers and end users of such business users provide and generate a vast amount of data, including data inferred from such use. In order to ensure that R

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	business users have access to the relevant data thus generated, the gatekeeper should, upon their request, allow unhindered access, free of charge, to such data. Such access should also be given to third parties contracted by the business user, who are acting as processors of this data for the business user. Data provided or generated by the same business users and the same end users of these business users in the context of other services provided by the same gatekeeper may be concerned where this is inextricably linked to the relevant request. To this end, a gatekeeper should not use any contractual or other restrictions to prevent business users from accessing relevant data and should enable business users to obtain consent of their end users for such data access and retrieval, where such consent is required under Regulation	business users have access to the relevant data thus generated, the gatekeeper should, upon their request, allow unhindered access, free of charge, to such data. Such access should also be given to third parties contracted by the business user, who are acting as processors of this data for the business user. Data provided or generated by the same business users and the same end users of these business users in the context of other services provided by the same gatekeeper may be concerned where this is inextricably linked to the relevant request. To this end, a gatekeeper should not use any contractual or other restrictions to prevent business users from accessing relevant data and should enable business users to obtain consent of their end users for such data access and retrieval, where such consent is required under Regulation	business users have access to the relevant data thus generated, the gatekeeper should, upon their request, allow unhindered access, free of charge, to such data. Such access should also be given to third parties contracted by the business user, who are acting as processors of this data for the business user. Data provided or generated by the same business users and the same end users of these business users in the context of other services provided by the same gatekeeper may be concerned where this is inextricably linked to the relevant request. To this end, a gatekeeper should not use any contractual or other restrictions to prevent business users from accessing relevant data and should enable business users to obtain consent of their end users for such data access and retrieval, where such consent is required under Regulation (EU)	business users have access to the relevant data thus generated, the gatekeeper should, upon their request, allow unhindered access, free of charge, to such data. Such access should also be given to third parties contracted by the business user, who are acting as processors of this data for the business user. Data provided or generated by the same business users and the same end users of these business users in the context of other services provided by the same gatekeeper may be concerned where this is inextricably linked to the relevant request. To this end, a gatekeeper should not use any contractual or other restrictions to prevent business users from accessing relevant data and should enable business users to obtain consent of their end users for such data access and retrieval, where such consent is required under Regulation

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	(EU) 2016/679 and Directive 2002/58/EC. Gatekeepers should also facilitate access to these data in real time by means of appropriate technical measures, such as for example putting in place high quality application programming interfaces.	(EU) 2016/679 and Directive 2002/58/EC. Gatekeepers should also facilitate access to these data in real time by means of appropriate technical measures, such as for example putting in place high quality application programming interfaces.	2016/679 and Directive 2002/58/EC. Gatekeepers should also ~~*facilitate*~~***ensure the continuous and real time*** access to these data ~~*in real time*~~ by means of appropriate technical measures, such as for example putting in place high quality application programming interfaces.	(EU) 2016/679 and Directive 2002/58/EC. Gatekeepers should also ~~*facilitate*~~***ensure the continuous and real time*** access to these data ~~*in real time*~~ by means of appropriate technical measures, such as for example putting in place high quality application programming interfaces ***or integrated tools for small volume business users***.
Recital 56				
67	(56) The value of online search engines to their respective business users and end users increases as the total number of such users increases. Providers of online search engines collect and store aggregated datasets containing information about what users searched for, and how they interacted with, the results that they were served. Providers of online search engine services collect these data from	(56) The value of online search engines to their respective business users and end users increases as the total number of such users increases. Providers of online search engines collect and store aggregated datasets containing information about what users searched for, and how they interacted with, the results that they were served. Providers of online search engine services collect these data from	(56) The value of online search engines to their respective business users and end users increases as the total number of such users increases. ~~*Providers of*~~***Undertakings providing*** online search engines collect and store aggregated datasets containing information about what users searched for, and how they interacted with, the results that they were served. ~~*Providers of*~~***Undertakings providing***	(56) The value of online search engines to their respective business users and end users increases as the total number of such users increases. ~~*Providers of*~~***Undertakings providing*** online search engines collect and store aggregated datasets containing information about what users searched for, and how they interacted with, the results that they were served. ~~*Providers of*~~***Undertakings providing***

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	searches undertaken on their own online search engine service and, where applicable, searches undertaken on the platforms of their downstream commercial partners. Access by gatekeepers to such ranking, query, click and view data constitutes an important barrier to entry and expansion, which undermines the contestability of online search engine services. Gatekeepers should therefore be obliged to provide access, on fair, reasonable and non-discriminatory terms, to these ranking, query, click and view data in relation to free and paid search generated by consumers on online search engine services to other providers of such services, so that these third-party providers can optimise their services and contest the relevant core platform services. Such access should also be	searches undertaken on their own online search engine service and, where applicable, searches undertaken on the platforms of their downstream commercial partners. Access by gatekeepers to such ranking, query, click and view data constitutes an important barrier to entry and expansion, which undermines the contestability of online search engine services. Gatekeepers should therefore be obliged to provide access, on fair, reasonable and non-discriminatory terms, to these ranking, query, click and view data in relation to free and paid search generated by consumers on online search engine services to other providers of such services, so that these third-party providers can optimise their services and contest the relevant core platform services. Such access should also be	online search engine services collect these data from searches undertaken on their own online search engine service and, where applicable, searches undertaken on the platforms of their downstream commercial partners. Access by gatekeepers to such ranking, query, click and view data constitutes an important barrier to entry and expansion, which undermines the contestability of online search engine services. Gatekeepers should therefore be obliged to provide access, on fair, reasonable and non-discriminatory terms, to these ranking, query, click and view data in relation to free and paid search generated by consumers on online search engine services to other ~~*providers of*~~***undertakings providing*** such services, so that these third-party ~~*providers*~~***undertakings*** can optimise their services and	online search engine services collect these data from searches undertaken on their own online search engine service and, where applicable, searches undertaken on the platforms of their downstream commercial partners. Access by gatekeepers to such ranking, query, click and view data constitutes an important barrier to entry and expansion, which undermines the contestability of online search engine services. Gatekeepers should therefore be obliged to provide access, on fair, reasonable and non-discriminatory terms, to these ranking, query, click and view data in relation to free and paid search generated by consumers on online search engine services to other ~~*providers of*~~***undertakings providing*** such services, so that these third-party ~~*providers*~~***undertakings*** can

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	given to third parties contracted by a search engine provider, who are acting as processors of this data for that search engine. When providing access to its search data, a gatekeeper should ensure the protection of the personal data of end users by appropriate means, without substantially degrading the quality or usefulness of the data.	given to third parties contracted by a search engine provider, who are acting as processors of this data for that search engine. When providing access to its search data, a gatekeeper should ensure the protection of the personal data of end users by appropriate means, without substantially degrading the quality or usefulness of the data.	contest the relevant core platform services. Such access should also be given to third parties contracted by a search engine provider, who are acting as processors of this data for that search engine. When providing access to its search data, a gatekeeper should ensure the protection of the personal data of end users***, including against possible re-identification risks,*** by appropriate means, ***such as annonymisation of such personal data,*** without substantially degrading the quality or usefulness of the data. ***The relevant data is anonymised if personal data is irreversibly altered in such a way that information does not relate to an identified or identifiable natural person or where personal data is rendered anonymous in such a manner that the data subject is not or no longer identifiable.***	optimise their services and contest the relevant core platform services. Such access should also be given to third parties contracted by a search engine provider, who are acting as processors of this data for that search engine. When providing access to its search data, a gatekeeper should ensure the protection of the personal data of end users***, including against possible re-identification risks,*** by appropriate means, ***such as annonymisation of such personal data,*** without substantially degrading the quality or usefulness of the data. ***The relevant data is anonymised if personal data is irreversibly altered in such a way that information does not relate to an identified or identifiable natural person or where personal data is rendered anonymous in such a manner that the data subject is not or no longer identifiable.***

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Recital 57				
68	(57) In particular gatekeepers which provide access to software application stores serve as an important gateway for business users that seek to reach end users. In view of the imbalance in bargaining power between those gatekeepers and business users of their software application stores, those gatekeepers should not be allowed to impose general conditions, including pricing conditions, that would be unfair or lead to unjustified differentiation. Pricing or other general access conditions should be considered unfair if they lead to an imbalance of rights and obligations imposed on business users or confer an advantage on the gatekeeper which is disproportionate to the service provided by the gatekeeper to business users or lead to a	(57) In particular gatekeepers which provide access to ~~*software application stores*~~***core platform services*** serve as an important gateway for business users that seek to reach end users. In view of the imbalance in bargaining power between those gatekeepers and business users of their ~~*software application stores*~~***core platform services***, those gatekeepers should not be allowed to impose general conditions, including pricing conditions, that would be unfair or lead to unjustified differentiation. Pricing or other general access conditions should be considered unfair if they lead to an imbalance of rights and obligations imposed on business users or confer an advantage on the gatekeeper which is disproportionate to the service provided by the	(57) In particular gatekeepers which provide access to software application stores serve as an important gateway for business users that seek to reach end users. In view of the imbalance in bargaining power between those gatekeepers and business users of their software application stores, those gatekeepers should not be allowed to impose general conditions, including pricing conditions, ***data usage conditions or conditions related to the licensing of rights held by the business user,*** that would be unfair or lead to unjustified differentiation. ***Imposing conditions encompasses both explicit and implicit demands, by means of contract or fact, including, for example, an online search engine making the raking results dependent on the transfer***	

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	disadvantage for business users in providing the same or similar services as the gatekeeper. The following benchmarks can serve as a yardstick to determine the fairness of general access conditions: prices charged or conditions imposed for the same or similar services by other providers of software application stores; prices charged or conditions imposed by the provider of the software application store for different related or similar services or to different types of end users; prices charged or conditions imposed by the provider of the software application store for the same service in different geographic regions; prices charged or conditions imposed by the provider of the software application store for the same service the gatekeeper offers to itself. This obligation should not establish an access right and it should be without	gatekeeper to business users or lead to a disadvantage for business users in providing the same or similar services as the gatekeeper. The following benchmarks can serve as a yardstick to determine the fairness of general access conditions: prices charged or conditions imposed for the same or similar services by other providers of ~~*software application stores*~~***core platform services***; prices charged or conditions imposed by the provider of the software application store for different related or similar services or to different types of end users; prices charged or conditions imposed by the provider of the software application store for the same service in different geographic regions; prices charged or conditions imposed by the provider of the software application store for the same service the gatekeeper offers to itself. This	***of certain rights or data.*** Pricing or other general access conditions should be considered unfair if they lead to an imbalance of rights and obligations imposed on business users or confer an advantage on the gatekeeper which is disproportionate to the service provided by the gatekeeper to business users or lead to a disadvantage for business users in providing the same or similar services as the gatekeeper. The following benchmarks can serve as a yardstick to determine the fairness of general access conditions: prices charged or conditions imposed for the same or similar services by other ~~*providers of*~~***undertakings providing*** software application stores; prices charged or conditions imposed by the ~~*provider of*~~***undertaking providing*** the software application store for different related or similar services or to different	

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	prejudice to the ability of providers of software application stores to take the required responsibility in the fight against illegal and unwanted content as set out in Regulation [Digital Services Act].	obligation should not establish an access right and it should be without prejudice to the ability of providers of ~~*software application stores*~~***core platform services*** to take the required responsibility in the fight against illegal and unwanted content as set out in Regulation [Digital Services Act].	types of end users; prices charged or conditions imposed by the ~~*provider of*~~***undertaking providing*** the software application store for the same service in different geographic regions; prices charged or conditions imposed by the ~~*provider of*~~***undertaking providing*** the software application store for the same service the gatekeeper offers to itself. ***It should also be considered unfair if access to the service or the quality and other conditions of the service are made dependent on the transfer of data or the granting of rights by the business user which are unrelated to or not necessary for providing the core platform service.*** This obligation should not establish an access right and it should be without prejudice to the ability of ~~*providers of*~~***undertakings providing*** software application stores to take the required responsibility	

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			in the fight against illegal and unwanted content as set out in Regulation [Digital Services Act].	
Recital 57a				
68a		***(57a) The implementation of gatekeepers' obligations related to access, installation, portability or interoperability could be facilitated by the use of technical standards. In this respect the Commission should identify appropriate, widely-used ICT technical standards from standards organisations as provided for under Article 13 of Regulation (EU) No 1025/2012 or where appropriate ask/ request European standardisation bodies to develop them.***		
Recital 57a				
68b			***(57a) Gatekeepers can hamper the ability of business users and end***	***(57a) Gatekeepers can hamper the ability of business users and end***

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			users to unsubscribe from a core platform service that they have previously subscribed to. Therefore, rules should be established to avoid that gatekeepers undermine the rights of business users and end users to freely choose which core platform service they use. To safeguard free choice of business users and end users, a gatekeeper should not be allowed to make it unnecessarily difficult or complicated for business users or end users to unsubscribe from a core platform service. Gatekeepers should ensure that the conditions for terminating contracts are always proportionate and can be exercised without undue difficulty by end users, such as for example in relation to the reasons for termination, the notice period, or the form of such termination. This is without prejudice to national legislation	***users to unsubscribe from a core platform service that they have previously subscribed to. Therefore, rules should be established to avoid that gatekeepers undermine the rights of business users and end users to freely choose which core platform service they use. To safeguard free choice of business users and end users, a gatekeeper should not be allowed to make it unnecessarily difficult or complicated for business users or end users to unsubscribe from a core platform service. Gatekeepers should ensure that the conditions for terminating contracts are always proportionate and can be exercised without undue difficulty by end users, such as for example in relation to the reasons for termination, the notice period, or the form of such termination. This is without prejudice to national legislation***

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			applicable in accordance with the Union law laying down rights and obligations concerning conditions of termination of core platform services by end users.	***applicable in accordance with the Union law laying down rights and obligations concerning conditions of termination of core platform services by end users.***
Recital 58				
69	(58) To ensure the effectiveness of the obligations laid down by this Regulation, while also making certain that these obligations are limited to what is necessary to ensure contestability and tackling the harmful effects of the unfair behaviour by gatekeepers, it is important to clearly define and circumscribe them so as to allow the gatekeeper to immediately comply with them, in full respect of Regulation (EU) 2016/679 and Directive 2002/58/EC, consumer protection, cyber security and product safety. The gatekeepers should ensure the compliance with this Regulation by design.	(58) ***This aim of this Regulation is to ensure that the digital economy remains fair and contestable in order to promote innovation, high quality of digital products and services, fair and competitive prices and a high quality and choice for end users in the digital sector.*** To ensure the effectiveness of the obligations laid down by this Regulation, while also making certain that these obligations are limited to what is necessary to ensure contestability and tackling the harmful effects of the unfair behaviour by gatekeepers, it is important to clearly define and	(58) To ensure the effectiveness of the obligations laid down by this Regulation, while also making certain that these obligations are limited to what is necessary to ensure contestability and tackling the harmful effects of the unfair behaviour by gatekeepers, it is important to clearly define and circumscribe them so as to allow the gatekeeper to ~~*immediately*~~***fully*** comply with them, in full respect of ***applicable law, in particular*** Regulation (EU) 2016/679 and Directive 2002/58/EC, consumer protection, cyber security and product safety. The gatekeepers should ensure	(58) To ensure the effectiveness of the obligations laid down by this Regulation, while also making certain that these obligations are limited to what is necessary to ensure contestability and tackling the harmful effects of the unfair behaviour by gatekeepers, it is important to clearly define and circumscribe them so as to allow the gatekeeper to ~~*immediately*~~***fully*** comply with them, in full respect of ***applicable law, in particular*** Regulation (EU) 2016/679 and Directive 2002/58/EC, consumer protection, cyber security and product safety ***and accessibility requirements,***

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	The necessary measures should therefore be as much as possible and where relevant integrated into the technological design used by the gatekeepers. However, it may in certain cases be appropriate for the Commission, following a dialogue with the gatekeeper concerned, to further specify some of the measures that the gatekeeper concerned should adopt in order to effectively comply with those obligations that are susceptible of being further specified. This possibility of a regulatory dialogue should facilitate compliance by gatekeepers and expedite the correct implementation of the Regulation.	circumscribe them so as to allow the gatekeeper to immediately comply with them, in full respect of Regulation (EU) 2016/679 and Directive 2002/58/EC, consumer protection, cyber security and product safety ***as well as with accessibility requiremenst for the persons with disabilities in accordance with the Directive (EU) 2019/882***. The gatekeepers should ensure the compliance with this Regulation by design. The necessary measures should therefore be as much as possible and where relevant integrated into the technological design used by the gatekeepers. However, it may in certain cases be appropriate for the Commission, following a dialogue with the gatekeeper concerned, ***and, where appropriate, a consultation of interested third parties,*** to further specify ***in a decision*** some of the measures that the gatekeeper concerned	the compliance with this Regulation by design. The necessary measures should therefore be as much as possible and where relevant integrated into the technological design used by the gatekeepers. ~~*However,*~~ It may in certain cases be appropriate for the Commission, following a dialogue with the gatekeeper concerned, to further specify some of the measures that the gatekeeper concerned should adopt in order to effectively comply with those obligations that are susceptible of being further specified. ***In particular, such further specification should be possible where the implementation of an obligation susceptible to being further specified can be affected by variations of services within a single category of core platform services. For this purpose, there should be the possibility for the gatekeeper to request the***	***including Directive (EU) 2019/882 and Directive (EU) 2016/2102***. The gatekeepers should ensure the compliance with this Regulation by design. The necessary measures should therefore be as much as possible and where relevant integrated into the technological design used by the gatekeepers. ~~*However,*~~ It may in certain cases be appropriate for the Commission, following a dialogue with the gatekeeper concerned ***and, where appropriate, a consultation of interested third parties*** ~~,~~ to further specify some of the measures that the gatekeeper concerned should adopt in order to effectively comply with ~~*those*~~ obligations that are susceptible of being further specified ***or in case of circumvention with all obligations. In particular, such further specification should be possible where the implementation of an***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		should adopt in order to effectively comply with those obligations that are susceptible of being further specified. This possibility of a regulatory dialogue should facilitate compliance by gatekeepers and expedite the correct implementation of the Regulation.	***Commission to engage in a regulatory dialogue where the Commission can further specify some of the measures that the gatekeeper concerned should adopt in order to effectively comply with those obligations that are susceptible of being further specified. The Commission should retain discretion in deciding if and when such further specification should be provided, while respecting equal treatment, proportionality, and the principle of good administration. In this respect, the Commission should provide the main reasons underlying its assessment, including enforcement priority setting. The regulatory dialogue should not be used to undermine the effectiveness of this Regulation. Furthermore, the regulatory dialogue is without prejudice to the powers of the Commission***	***obligation susceptible to being further specified can be affected by variations of services within a single category of core platform services. For this purpose, there should be the*** ~~*. This*~~ possibility ***for the gatekeeper to request the Commission to engage in a process where the Commission can further specify some of the measures that the gatekeeper concerned*** ~~*of a regulatory dialogue*~~ should ~~*facilitate compliance by gatekeepers and expedite the correct implementation*~~***adopt in order to effectively comply with those obligations. The Commission should retain discretion in deciding if and when such further specification should be provided, while respecting equal treatment, proportionality, and the principle of good administration. In this respect, the Commission should provide the main***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			to adopt a decision establishing non-compliance with any of the obligations laid down in this Regulation by a gatekeeper, including the possibility to impose fines or periodic penalty payments. This possibility of a regulatory dialogue should facilitate compliance by gatekeepers and expedite the correct implementation of the Regulation.	***reasons underlying its assessment, including enforcement priority setting. This process should not be used to undermine the effectiveness of this Regulation. Furthermore, this process is without prejudice to the powers*** of the ***Commission to adopt a decision establishing non-compliance with any of the obligations laid down in this*** Regulation ***by a gatekeeper, including the possibility to impose fines or periodic penalty payments***.
Recital 58a				
69a			***(58a) Within the timeframe for complying with their obligations under this Regulation, designated gatekeepers should inform the Commission, through mandatory reporting, about the measures they intend to implement or have implemented to***	***(58a) Within the timeframe for complying with their obligations under this Regulation, designated gatekeepers should inform the Commission, through mandatory reporting, about the measures they intend to implement or have implemented to***

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			ensure effective compliance with these obligations, and which should allow the Commission to fulfil its duties under this Regulation. Also, a clear, comprehensible non-confidential version of such information should be made publicly available while taking into account the legitimate interest of designated gatekeepers regarding the protection of their business secrets. This non-confidential publication should enable third parties to check whether the designated gatekeeper complies with the obligations laid down in this Regulation. Such reporting should be without prejudice to any enforcement action by the Commission. The Commission shall publish the non-confidential report, as well as all other public information based on information obligations from this Regulation,	***ensure effective compliance with these obligations, and which should allow the Commission to fulfil its duties under this Regulation. Also, a clear, comprehensible non-confidential version of such information should be made publicly available while taking into account the legitimate interest of designated gatekeepers regarding the protection of their business secrets. This non-confidential publication should enable third parties to check whether the designated gatekeeper complies with the obligations laid down in this Regulation. Such reporting should be without prejudice to any enforcement action by the Commission. The Commission shall publish the non-confidential report, as well as all other public information based on information obligations from this Regulation,***

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			online, in order to ensure accessibility of such information in usable and comprehensive manner, in particular for SMEs.	***online, in order to ensure accessibility of such information in usable and comprehensive manner, in particular for SMEs.***
Recital 59				
70	(59) As an additional element to ensure proportionality, gatekeepers should be given an opportunity to request the suspension, to the extent necessary, of a specific obligation in exceptional circumstances that lie beyond the control of the gatekeeper, such as for example an unforeseen external shock that has temporarily eliminated a significant part of end user demand for the relevant core platform service, where compliance with a specific obligation is shown by the gatekeeper to endanger the economic viability of the Union operations of the gatekeeper concerned.	(59) As an additional element to ensure proportionality, gatekeepers should be given an opportunity to request the suspension, to the extent necessary, of a specific obligation in exceptional circumstances that lie beyond the control of the gatekeeper, such as for example an unforeseen external shock that has temporarily eliminated a significant part of end user demand for the relevant core platform service, where compliance with a specific obligation is shown by the gatekeeper to endanger the economic viability of the Union operations of the gatekeeper concerned. ***The Commission should state***	(59) As an additional element to ensure proportionality, gatekeepers should be given an opportunity to request the suspension, to the extent necessary, of a specific obligation in exceptional circumstances that lie beyond the control of the gatekeeper, such as for example an unforeseen external shock that has temporarily eliminated a significant part of end user demand for the relevant core platform service, where compliance with a specific obligation is shown by the gatekeeper to endanger the economic viability of the Union operations of the gatekeeper concerned.	(59) As an additional element to ensure proportionality, gatekeepers should be given an opportunity to request the suspension, to the extent necessary, of a specific obligation in exceptional circumstances that lie beyond the control of the gatekeeper, such as for example an unforeseen external shock that has temporarily eliminated a significant part of end user demand for the relevant core platform service, where compliance with a specific obligation is shown by the gatekeeper to endanger the economic viability of the Union operations of the gatekeeper concerned. ***The Commission should***

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		in its decision the reasons for granting the suspension and review it on a regular basis to assess whether the conditions for granting it are still viable or not.		***identify the exceptional circumstances justifying the suspension and review it on a regular basis to assess whether the conditions for granting it are still viable or not.***
Recital 60				
71	(60) In exceptional circumstances justified on the limited grounds of public morality, public health or public security, the Commission should be able to decide that the obligation concerned does not apply to a specific core platform service. Affecting these public interests can indicate that the cost to society as a whole of enforcing a certain obligation would in a certain exceptional case be too high and thus disproportionate. The regulatory dialogue to facilitate compliance with limited suspension and exemption possibilities should ensure the	(60) In exceptional circumstances justified on the limited grounds of public morality, public health or public security, the Commission should be able to decide that the obligation concerned does not apply to a specific core platform service. Affecting these public interests can indicate that the cost to society as a whole of enforcing a certain obligation would in a certain exceptional case be too high and thus disproportionate. The regulatory dialogue to facilitate compliance with limited ***and duly justified*** suspension and exemption possibilities should ensure	(60) In exceptional circumstances justified on the limited grounds of public ~~*morality, public*~~ health or public security, ***as laid down in Union law and interpreted by the Court of,*** the Commission should be able to decide that the obligation concerned does not apply to a specific core platform service. Affecting these public interests can indicate that the cost to society as a whole of enforcing a certain obligation would in a certain exceptional case be too high and thus disproportionate. The regulatory dialogue to facilitate compliance with limited suspension and	(60) In exceptional circumstances justified on the limited grounds of public ~~*morality, public*~~ health or public security, ***as laid down in Union law and interpreted by the Court of Justice,*** the Commission should be able to decide that the obligation concerned does not apply to a specific core platform service. Affecting these public interests can indicate that the cost to society as a whole of enforcing a certain obligation would in a certain exceptional case be too high and thus disproportionate. The regulatory dialogue to facilitate compliance with limited ***and duly justified***

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	proportionality of the obligations in this Regulation without undermining the intended ex ante effects on fairness and contestability.	the proportionality of the obligations in this Regulation without undermining the intended ex ante effects on fairness and contestability. ***Where such an exemption is granted, the Commission should review its decision every year.***	exemption possibilities should ensure the proportionality of the obligations in this Regulation without undermining the intended ex ante effects on fairness and contestability.	suspension and exemption possibilities should ensure the proportionality of the obligations in this Regulation without undermining the intended ex ante effects on fairness and contestability. ***Where such an exemption is granted, the Commission should review its decision every year.***
Recital 60a				
71a			***(60a) Gatekeepers should not be allowed to circumvent their compliance with this Regulation. Therefore, it is important to prohibit any form of circumvention by an undertaking providing core platform services or a gatekeeper through behaviour that may be of contractual, commercial, technical or any other nature. For instance, an undertaking providing a core platform service should not artificially segment, divide, subdivide,***	

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			fragment or split this core platform service to circumvent the quantitative thresholds laid down in this regulation. By the same token, gatekeepers should not engage in behaviour that would undermine the effectiveness of the prohibitions and obligations laid down in this Regulation, for instance, by using behavioural techniques, including for example dark patterns or interface design.	
Recital 61				
72	(61) The data protection and privacy interests of end users are relevant to any assessment of potential negative effects of the observed practice of gatekeepers to collect and accumulate large amounts of data from end users. Ensuring an adequate level of transparency of profiling practices employed by	(61) The data protection and privacy interests of end users are relevant to any assessment of potential negative effects of the observed practice of gatekeepers to collect and accumulate large amounts of data from end users. Ensuring an adequate level of transparency of profiling practices employed by	(61) The data protection and privacy interests of end users are relevant to any assessment of potential negative effects of the observed practice of gatekeepers to collect and accumulate large amounts of data from end users. Ensuring an adequate level of transparency of profiling practices employed by	(61) The data protection and privacy interests of end users are relevant to any assessment of potential negative effects of the observed practice of gatekeepers to collect and accumulate large amounts of data from end users. Ensuring an adequate level of transparency of profiling practices employed by

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	gatekeepers facilitates contestability of core platform services, by putting external pressure on gatekeepers to prevent making deep consumer profiling the industry standard, given that potential entrants or start-up providers cannot access data to the same extent and depth, and at a similar scale. Enhanced transparency should allow other providers of core platform services to differentiate themselves better through the use of superior privacy guaranteeing facilities. To ensure a minimum level of effectiveness of this transparency obligation, gatekeepers should at least provide a description of the basis upon which profiling is performed, including whether personal data and data derived from user activity is relied on, the processing applied, the purpose for which the profile is prepared and	gatekeepers facilitates contestability of core platform services, by putting external pressure on gatekeepers to prevent making deep consumer profiling the industry standard, given that potential entrants or start-up providers cannot access data to the same extent and depth, and at a similar scale. Enhanced transparency should allow other providers of core platform services to differentiate themselves better through the use of superior privacy guaranteeing facilities. To ensure a minimum level of effectiveness of this transparency obligation, gatekeepers should at least provide a description of the basis upon which profiling is performed, including whether personal data and data derived from user activity is relied on, the processing applied, the purpose for which the profile is prepared and	gatekeepers***, including, but not limited to, profiling within the meaning of Article 4(4) of Regulation (EU) 2016/679,*** facilitates contestability of core platform services, by putting external pressure on gatekeepers to prevent making deep consumer profiling the industry standard, given that potential entrants or ~~*start-up providers*~~***start- ups*** cannot access data to the same extent and depth, and at a similar scale. Enhanced transparency should allow other ~~*providers of*~~***undertakings providing*** core platform services to differentiate themselves better through the use of superior privacy guaranteeing facilities. To ensure a minimum level of effectiveness of this transparency obligation, gatekeepers should at least provide a description of the basis upon which profiling is performed, including whether personal data and	gatekeepers***, including, but not limited to, profiling within the meaning of Article 4(4) of Regulation (EU) 2016/679,*** facilitates contestability of core platform services, by putting external pressure on gatekeepers to prevent making deep consumer profiling the industry standard, given that potential entrants or ~~*start-up providers*~~***start- ups*** cannot access data to the same extent and depth, and at a similar scale. Enhanced transparency should allow other ~~*providers of*~~***undertakings providing*** core platform services to differentiate themselves better through the use of superior privacy guaranteeing facilities. To ensure a minimum level of effectiveness of this transparency obligation, gatekeepers should at least provide a description of the basis upon which profiling is performed, including whether personal data and

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	eventually used, the impact of such profiling on the gatekeeper's services, and the steps taken to enable end users to be aware of the relevant use of such profiling, as well as to seek their consent.	eventually used, the impact of such profiling on the gatekeeper's services, and the steps taken to enable end users to be aware of the relevant use of such profiling, as well as to seek their consent. ***The expertise of consumer protection authorities', as members of the High Level Group of Digital Regulators, should be especially taken into consideration for assessing consumer profiling techniques. The Commission should develop, in consultation with the EU Data Protection Supervisor, the European Data Protection Board, civil society and experts, the standards and process of the audit.***	data derived from user activity ***in line with Regulation (EU) 2016/679*** is relied on, the processing applied, the purpose for which the profile is prepared and eventually used, the ***duration of the profiling, the*** impact of such profiling on the gatekeeper's services, and the steps taken to ***effectively*** enable end users to be aware of the relevant use of such profiling, as well as ***steps*** to seek their ***consent or provide them with the possibility of denying or withdrawing*** consent.	data derived from user activity ***in line with Regulation (EU) 2016/679*** is relied on, the processing applied, the purpose for which the profile is prepared and eventually used, the ***duration of the profiling, the*** impact of such profiling on the gatekeeper's services, and the steps taken to ***effectively*** enable end users to be aware of the relevant use of such profiling, as well as ***steps*** to seek their consent ***or provide them with the possibility of denying or withdrawing consent.*** ***The Commission should transfer the audited description to the European Data Protection Board to inform the enforcement of EU data protection rules.*** ***The Commission should be empowered to develop the methodology and process of the audit, in consultation with the EU Data Protection***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Supervisor, the European Data Protection Board, civil society and experts, in line with Regulation 2018/1725 and comitology rules.
Recital 62				
73	(62) In order to ensure the full and lasting achievement of the objectives of this Regulation, the Commission should be able to assess whether a provider of core platform services should be designated as a gatekeeper without meeting the quantitative thresholds laid down in this Regulation; whether systematic non-compliance by a gatekeeper warrants imposing additional remedies; and whether the list of obligations addressing unfair practices by gatekeepers should be reviewed and additional practices that are similarly	(62) In order to ensure the full and lasting achievement of the objectives of this Regulation, the Commission should be able to assess whether a provider of core platform services should be designated as a gatekeeper without meeting the quantitative thresholds laid down in this Regulation; whether systematic non-compliance by a gatekeeper warrants imposing additional remedies; ~~and~~ whether the list of obligations addressing unfair practices by gatekeepers should be reviewed***; and whether*** ~~and~~ additional practices that are	(62) In order to ensure the full and lasting achievement of the objectives of this Regulation, the Commission should be able to assess whether ~~a provider of~~***an undertaking providing*** core platform services should be designated as a gatekeeper without meeting the quantitative thresholds laid down in this Regulation; whether systematic non-compliance by a gatekeeper warrants imposing additional remedies; and whether the list of obligations addressing ~~unfair~~ practices by gatekeepers should be reviewed and additional	

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	unfair and limiting the contestability of digital markets should be identified. Such assessment should be based on market investigations to be run in an appropriate timeframe, by using clear procedures and deadlines, in order to support the ex ante effect of this Regulation on contestability and fairness in the digital sector, and to provide the requisite degree of legal certainty.	similarly unfair and limiting the contestability of digital markets ~~*should be identified*~~***need to be investigated***. Such assessment should be based on market investigations to be ~~*run*~~***carried out*** in an appropriate timeframe, by using clear procedures and ***binding*** deadlines, in order to support the ex ante effect of this Regulation on contestability and fairness in the digital sector, and to provide the requisite degree of legal certainty.	practices that are similarly unfair and limiting the contestability of digital markets should be identified. Such assessment should be based on market investigations to be run in an appropriate timeframe, by using clear procedures and deadlines, in order to support the ex ante effect of this Regulation on contestability and fairness in the digital sector, and to provide the requisite degree of legal certainty.	
Recital 63				
G	74	(63) Following a market investigation, an undertaking providing a core platform service could be found to fulfil all of the overarching qualitative criteria for being identified as a gatekeeper. It should then, in principle, comply with all of the relevant obligations laid down by this Regulation. However, for gatekeepers that have	(63) Following a market investigation, an undertaking providing a core platform service could be found to fulfil all of the overarching qualitative criteria for being identified as a gatekeeper. It should then, in principle, comply with all of the relevant obligations laid down by this Regulation. However, for gatekeepers that have	(63) Following a market investigation, an undertaking providing a core platform service could be found to fulfil all of the overarching qualitative criteria for being identified as a gatekeeper. It should then, in principle, comply with all of the relevant obligations laid down by this Regulation. However, for gatekeepers that have	(63) Following a market investigation, an undertaking providing a core platform service could be found to fulfil all of the overarching qualitative criteria for being identified as a gatekeeper. It should then, in principle, comply with all of the relevant obligations laid down by this Regulation. However, for gatekeepers that have G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	been designated by the Commission as likely to enjoy an entrenched and durable position in the near future, the Commission should only impose those obligations that are necessary and appropriate to prevent that the gatekeeper concerned achieves an entrenched and durable position in its operations. With respect to such emerging gatekeepers, the Commission should take into account that this status is in principle of a temporary nature, and it should therefore be decided at a given moment whether such a provider of core platform services should be subjected to the full set of gatekeeper obligations because it has acquired an entrenched and durable position, or conditions for designation are ultimately not met and therefore all previously imposed obligations should be waived.	been designated by the Commission as likely to enjoy an entrenched and durable position in the near future, the Commission should only impose those obligations that are necessary and appropriate to prevent that the gatekeeper concerned achieves an entrenched and durable position in its operations. With respect to such emerging gatekeepers, the Commission should take into account that this status is in principle of a temporary nature, and it should therefore be decided at a given moment whether such a provider of core platform services should be subjected to the full set of gatekeeper obligations because it has acquired an entrenched and durable position, or conditions for designation are ultimately not met and therefore all previously imposed obligations should be waived.	been designated by the Commission as likely to enjoy an entrenched and durable position in the near future, the Commission should only impose those obligations that are necessary and appropriate to prevent that the gatekeeper concerned achieves an entrenched and durable position in its operations. With respect to such emerging gatekeepers, the Commission should take into account that this status is in principle of a temporary nature, and it should therefore be decided at a given moment whether such ~~*a provider of*~~***an undertaking providing*** core platform services should be subjected to the full set of gatekeeper obligations because it has acquired an entrenched and durable position, or conditions for designation are ultimately not met and therefore all previously imposed obligations should be waived.	been designated by the Commission as likely to enjoy an entrenched and durable position in the near future, the Commission should only impose those obligations that are necessary and appropriate to prevent that the gatekeeper concerned achieves an entrenched and durable position in its operations. With respect to such emerging gatekeepers, the Commission should take into account that this status is in principle of a temporary nature, and it should therefore be decided at a given moment whether such ~~*a provider of*~~***an undertaking providing*** core platform services should be subjected to the full set of gatekeeper obligations because it has acquired an entrenched and durable position, or conditions for designation are ultimately not met and therefore all previously imposed obligations should be waived.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 63a				
74a				***(63a) When preparing non-confidential summaries for publication in order to effectively enable interested third parties to provide comments, the Commission should give due regard to the legitimate interest of undertakings in the protection of their business secrets and other confidential information.***
Recital 64				
75	(64) The Commission should investigate and assess whether additional behavioural, or, where appropriate, structural remedies are justified, in order to ensure that the gatekeeper cannot frustrate the objectives of this Regulation by systematic non-compliance with one or several of the obligations	(64) The Commission should investigate and assess whether additional behavioural, or, where appropriate, structural remedies are justified, in order to ensure that the gatekeeper cannot frustrate the objectives of this Regulation by ~~*systematic non-compliance*~~***systematically***	(64) The Commission should investigate and assess whether additional behavioural, or, where appropriate, structural remedies are justified, in order to ensure that the gatekeeper cannot frustrate the objectives of this Regulation by systematic non-compliance with one or several of the obligations	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	laid down in this Regulation, which has further strengthened its gatekeeper position. This would be the case if the gatekeeper's size in the internal market has further increased, economic dependency of business users and end users on the gatekeeper's core platform services has further strengthened as their number has further increased and the gatekeeper benefits from increased entrenchment of its position. The Commission should therefore in such cases have the power to impose any remedy, whether behavioural or structural, having due regard to the principle of proportionality. Structural remedies, such as legal, functional or structural separation, including the divestiture of a business, or parts of it, should only be imposed either where there is no equally effective	***failing to comply*** with one or several of the obligations laid down in this Regulation~~, which has further strengthened its gatekeeper position. This would be the case if the gatekeeper's size in the internal market has further increased, economic dependency of business users and end users on the gatekeeper's core platform services has further strengthened as their number has further increased and the gatekeeper benefits from increased entrenchment of its position~~. ***The Commission should therefore in such cases of systematic non-compliance have the power to impose any remedy, whether behavioural or structural that is necessary to ensure effective compliance with this Regulation***. The Commission ~~should therefore in such cases have the power to impose any remedy, whether~~	laid down in this Regulation, which has further strengthened its gatekeeper position. This would be the case ***where the Commission has issued against a gatekeeper at least three non-compliance decisions, which can concern three different core platform services and different obligations laid down in this Regulation, and*** if the gatekeeper's size in the internal market has further increased, economic dependency of business users and end users on the gatekeeper's core platform services has further strengthened as their number has further increased ~~and~~***or*** the gatekeeper benefits from increased entrenchment of its position. The Commission should therefore in such cases have the power to impose any remedy, whether behavioural or structural, having due regard to the principle of proportionality.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	behavioural remedy or where any equally effective behavioural remedy would be more burdensome for the undertaking concerned than the structural remedy. Changes to the structure of an undertaking as it existed before the systematic non-compliance was established would only be proportionate where there is a substantial risk that this systematic non-compliance results from the very structure of the undertaking concerned.	~~*behavioural or structural, having due regard*~~***might prohibit gatekeepers from engaging on acquisitions (including "killer-acquisitions") in the areas relevant to this regulation such as digital or*** to the ~~*principle of proportionality. Structural remedies, such as legal, functional or structural separation, including the divestiture of a business, or parts of it, should only be imposed either*~~***use of data related sectors e.g. gaming, research institutes, consumer goods, fitness devices, health tracking financial services, and for a limited period of time*** where ~~*there is no equally effective behavioural remedy or where any equally effective behavioural remedy would be more burdensome for the undertaking concerned than the structural remedy. Changes to the structure of an undertaking as it existed before the systematic non-*~~	Structural remedies, such as legal, functional or structural separation, including the divestiture of a business, or parts of it, should only be imposed either where there is no equally effective behavioural remedy or where any equally effective behavioural remedy would be more burdensome for the undertaking concerned than the structural remedy. Changes to the structure of an undertaking as it existed before the systematic non-compliance was established would only be proportionate where there is a substantial risk that this systematic non-compliance results from the very structure of the undertaking concerned.	

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		~~*compliance was established would only be proportionate where there is a substantial risk that this systematic non-compliance results from the very structure*~~***this is necessary and proportionate to undue the damage caused by repeated infringements or to prevent further damage to the contestability and fairness of the internal market. In doing so, the Commission might take into account different elements, such as likely network effects, data consolidation, and possible long-term effects or whether and when the acquisition of targets with specific data resources can significantly put in danger the contestability and the competitiveness*** of the ~~*undertaking concerned*~~***markets through horizontal, vertical or conglomerate effects***.		
Recital 65				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
76	(65) The services and practices in core platform services and markets in which these intervene can change quickly and to a significant extent. To ensure that this Regulation remains up to date and constitutes an effective and holistic regulatory response to the problems posed by gatekeepers, it is important to provide for a regular review of the lists of core platform services as well as of the obligations provided for in this Regulation. This is particularly important to ensure that behaviour that may limit the contestability of core platform services or is unfair is identified. While it is important to conduct a review on a regular basis, given the dynamically changing nature of the digital sector, in order to ensure legal certainty as to the regulatory conditions, any reviews should be conducted within a	(65) The services and practices in core platform services and markets in which these intervene can change quickly and to a significant extent. To ensure that this Regulation remains up to date and constitutes an effective and holistic regulatory response to the problems posed by gatekeepers, it is important to provide for a regular review of the lists of core platform services as well as of the obligations provided for in this Regulation. This is particularly important to ensure that behaviour that may limit the contestability of core platform services or is unfair is identified. While it is important to conduct a review on a regular basis, given the dynamically changing nature of the digital sector, in order to ensure legal certainty as to the regulatory conditions, any reviews should be conducted within a	(65) The services and practices in core platform services and markets in which these intervene can change quickly and to a significant extent. To ensure that this Regulation remains up to date and constitutes an effective and holistic regulatory response to the problems posed by gatekeepers, it is important to provide for a regular review of the lists of core platform services as well as of the obligations provided for in this Regulation. This is particularly important to ensure that behaviour that may limit the contestability of core platform services or is unfair is identified. While it is important to conduct a review on a regular basis, given the dynamically changing nature of the digital sector, in order to ensure legal certainty as to the regulatory conditions, any reviews should be conducted within a reasonable and appropriate	(65) The services and practices in core platform services and markets in which these intervene can change quickly and to a significant extent. To ensure that this Regulation remains up to date and constitutes an effective and holistic regulatory response to the problems posed by gatekeepers, it is important to provide for a regular review of the lists of core platform services as well as of the obligations provided for in this Regulation. This is particularly important to ensure that behaviour that may limit the contestability of core platform services or is unfair is identified. While it is important to conduct a review on a regular basis, given the dynamically changing nature of the digital sector, in order to ensure legal certainty as to the regulatory conditions, any reviews should be conducted within a

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	reasonable and appropriate time-frame. Market investigations should also ensure that the Commission has a solid evidentiary basis on which it can assess whether it should propose to amend this Regulation in order to expand, or further detail, the lists of core platform services. They should equally ensure that the Commission has a solid evidentiary basis on which it can assess whether it should propose to amend the obligations laid down in this Regulation or whether it should adopt a delegated act updating such obligations.	reasonable and appropriate time-frame. Market investigations should also ensure that the Commission has a solid evidentiary basis on which it can assess whether it should propose to amend this Regulation in order to expand, or further detail, the lists of core platform services. They should equally ensure that the Commission has a solid evidentiary basis on which it can assess whether it should propose to amend the obligations laid down in this Regulation or whether it should adopt a delegated act updating such obligations.	time-frame. Market investigations should also ensure that the Commission has a solid evidentiary basis on which it can assess whether it should propose to amend this Regulation in order to ***review,*** expand, or further detail, the lists of core platform services. They should equally ensure that the Commission has a solid evidentiary basis on which it can assess whether it should propose to amend the obligations laid down in this Regulation or whether it should adopt a delegated act updating such obligations.	reasonable and appropriate time-frame. Market investigations should also ensure that the Commission has a solid evidentiary basis on which it can assess whether it should propose to amend this Regulation in order to ***review,*** expand, or further detail, the lists of core platform services. They should equally ensure that the Commission has a solid evidentiary basis on which it can assess whether it should propose to amend the obligations laid down in this Regulation or whether it should adopt a delegated act updating such obligations.
Recital 65a				
76a		***(65a) Interim measures can be an important tool to ensure that, while an investigation is ongoing, the infringement being investigated does not lead to serious and immediate damage for business users or end users of***		

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		gatekeepers. In case of urgency, where a risk of serious and immediate damage for business users or end-users of gatekeepers could result from new practices that may undermine contestability of core platform services, the Commission should be empowered to impose interim measures by temporarily imposing obligations to the gatekeeper concerned. These interim measures should be limited to what is necessary and justified. They should apply pending the conclusion of the market investigation and the corresponding final decision of the Commission pursuant to Article 17.		
Recital 65a				
R 76b			***(65a) With regard to conduct implemented by gatekeepers that does not fall under the obligations***	R

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			set out in this Regulation, the Commission should have the possibility to open a market investigation into new services and new practices for the purposes of identifying whether the obligations set out in this Regulation are to be supplemented by means of a delegated act falling within the scope detailed by the Regulation for such delegated acts, or by presenting a proposal to amend this Regulation, for example to add additional core platform services in the scope of the Regulation. This is without prejudice to the possibility for the Commission to, in appropriate cases, open proceedings under Article 101 or 102 of the TFEU. Such proceedings should be conducted in accordance with Council Regulation (EC) No 1/2003[1]. In case of urgency due to the risk of serious and irreparable damage to competition, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Commission should consider adopting interim measures in accordance with Article 8 of Regulation (EC) No 1/2003. ***1. Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).***	
Recital 66				
G 77	(66) In the event that gatekeepers engage in behaviour that is unfair or that limits the contestability of the core platform services that are already designated under this Regulation but without these behaviours being explicitly covered by the obligations, the Commission should be able to update this Regulation through delegated acts. Such updates by way of delegated act should be subject to the same investigatory standard and	(66) In the event that gatekeepers engage in behaviour that is unfair or that limits the contestability of the core platform services that are already designated under this Regulation but without these behaviours being explicitly covered by the obligations, the Commission should be able to update this Regulation through delegated acts. Such updates by way of delegated act should be subject to the same investigatory standard and	(66) In the event that gatekeepers engage in behaviour that is unfair or that limits the contestability of the core platform services that are already designated under this Regulation but without these behaviours being explicitly covered by the obligations, the Commission should be able to update this Regulation through delegated acts. Such updates by way of delegated act should be subject to the same investigatory standard and	(66) In the event that gatekeepers engage in behaviour that is unfair or that limits the contestability of the core platform services that are already designated under this Regulation but without these behaviours being explicitly covered by the obligations, the Commission should be able to update this Regulation through delegated acts. Such updates by way of delegated act should be subject to the same investigatory standard and G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	therefore following a market investigation. The Commission should also apply a predefined standard in identifying such behaviours. This legal standard should ensure that the type of obligations that gatekeepers may at any time face under this Regulation are sufficiently predictable.	therefore following a market investigation. The Commission should also apply a predefined standard in identifying such behaviours. This legal standard should ensure that the type of obligations that gatekeepers may at any time face under this Regulation are sufficiently predictable.	therefore following a market investigation. The Commission should also apply a predefined standard in identifying such behaviours. This legal standard should ensure that the type of obligations that gatekeepers may at any time face under this Regulation are sufficiently predictable.	therefore following a market investigation. The Commission should also apply a predefined standard in identifying such behaviours. This legal standard should ensure that the type of obligations that gatekeepers may at any time face under this Regulation are sufficiently predictable.
Recital 67				
78	(67) Where, in the course of a proceeding into non-compliance or an investigation into systemic non-compliance, a gatekeeper offers commitments to the Commission, the latter should be able to adopt a decision making these commitments binding on the gatekeeper concerned, where it finds that the commitments ensure effective compliance with the obligations of this Regulation. This decision should also find that there	*deleted*	*(67)* Where, in the course of a proceeding into non-compliance or an investigation into systemic non-compliance, a gatekeeper offers commitments to the Commission, the latter should be able to adopt a decision making these commitments binding on the gatekeeper concerned, where it finds that the commitments ensure effective compliance with the obligations of this Regulation. This decision should also find that there	(67) Where, in the course of a proceeding into ~~*non-compliance or an investigation into*~~ systemic non-compliance ***investigation***, a gatekeeper offers commitments to the Commission, the latter should be able to adopt a decision making these commitments binding on the gatekeeper concerned, where it finds that the commitments ensure effective compliance with the obligations of this Regulation. This decision should also find that there

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	are no longer grounds for action by the Commission.		are no longer grounds for action by the Commission.	are no longer grounds for action by the Commission. ***The Commission should verify that the commitments decision is fully respected and reach its objectives.***
Recital 68				
79	(68) In order to ensure effective implementation and compliance with this Regulation, the Commission should have strong investigative and enforcement powers, to allow it to investigate, enforce and monitor the rules laid down in this Regulation, while at the same time ensuring the respect for the fundamental right to be heard and to have access to the file in the context of the enforcement proceedings. The Commission should dispose of these investigative powers also for the purpose of carrying out market investigations for the purpose of updating	(68) In order to ensure effective implementation and compliance with this Regulation, the Commission should have strong investigative and enforcement powers, to allow it to investigate, enforce and monitor the rules laid down in this Regulation, while at the same time ensuring the respect for the fundamental right to be heard and to have access to the file in the context of the enforcement proceedings. The Commission should dispose of these investigative powers also for the purpose of carrying out market investigations for the purpose of updating	(68) In order to ensure effective implementation and compliance with this Regulation, the Commission should have strong investigative and enforcement powers, to allow it to investigate, enforce and monitor the rules laid down in this Regulation, while at the same time ensuring the respect for the fundamental right to be heard and to have access to the file in the context of the enforcement proceedings. The Commission should dispose of these investigative powers also for the purpose of carrying out market investigations for the purpose of updating	(68) In order to ensure effective implementation and compliance with this Regulation, the Commission should have strong investigative and enforcement powers, to allow it to investigate, enforce and monitor the rules laid down in this Regulation, while at the same time ensuring the respect for the fundamental right to be heard and to have access to the file in the context of the enforcement proceedings. The Commission should dispose of these investigative powers also for the purpose of carrying out market investigations for the purpose of updating

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and reviewing this Regulation.	and reviewing this Regulation.	and reviewing this Regulation.	and reviewing this Regulation.
Recital 69				
80	(69) The Commission should be empowered to request information necessary for the purpose of this Regulation, throughout the Union. In particular, the Commission should have access to any relevant documents, data, database, algorithm and information necessary to open and conduct investigations and to monitor the compliance with the obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the place where they are stored.	(69) The Commission should be empowered to request information necessary for the purpose of this Regulation, throughout the Union. In particular, the Commission should have access to any relevant documents, data, database, algorithm and information necessary to open and conduct investigations and to monitor the compliance with the obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the place where they are stored.	(69) The Commission should be empowered to request information necessary for the purpose of this Regulation, throughout the Union. In particular, the Commission should have access to any relevant documents, data, database, algorithm and information necessary to open and conduct investigations and to monitor the compliance with the obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the place where they are stored.	(69) The Commission should be empowered to request information necessary for the purpose of this Regulation, throughout the Union. In particular, the Commission should have access to any relevant documents, data, database, algorithm and information necessary to open and conduct investigations and to monitor the compliance with the obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the place where they are stored.
Recital 70				
81	(70) The Commission	(70) The Commission	(70) The Commission	(70) The Commission

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	should be able to directly request that undertakings or association of undertakings provide any relevant evidence, data and information. In addition, the Commission should be able to request any relevant information from any public authority, body or agency within the Member State, or from any natural person or legal person for the purpose of this Regulation. When complying with a decision of the Commission, undertakings are obliged to answer factual questions and to provide documents.	should be able to directly request that undertakings or association of undertakings provide any relevant evidence, data and information. ***The time limits fixed by the Commission for the request of information should respect the size and capabilities of an undertaking or association of undertakings.*** In addition, the Commission should be able to request any relevant information from any public authority, body or agency within the Member State, or from any natural person or legal person for the purpose of this Regulation. When complying with a decision of the Commission, undertakings are obliged to answer factual questions and to provide documents.	should be able to directly request that undertakings or association of undertakings provide any relevant evidence, data and information. In addition, the Commission should be able to request any relevant information from ~~*any public authority, body or agency*~~***competent authorities*** within the Member State, or from any natural person or legal person for the purpose of this Regulation. When complying with a decision of the Commission, undertakings are obliged to answer factual questions and to provide documents.	should be able to directly request that undertakings or association of undertakings provide any relevant evidence, data and information. ***The time limits fixed by the Commission for the request of information should respect the size and capabilities of an undertaking or association of undertakings.*** In addition, the Commission should be able to request any relevant information from ~~*any public authority, body or agency*~~***competent authorities*** within the Member State, or from any natural person or legal person for the purpose of this Regulation. When complying with a decision of the Commission, undertakings are obliged to answer factual questions and to provide documents.
Recital 71				
82	(71) The Commission should also be empowered	(71) The Commission should also be empowered	(71) The Commission should also be empowered	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to undertake onsite inspections and to interview any persons who may be in possession of useful information and to record the statements made.	to undertake onsite inspections and to interview any persons who may be in possession of useful information and to record the statements made.	to undertake ~~*onsite inspections*~~***inspections at the premises of any undertaking or association of undertakings*** and to interview any persons who may be in possession of useful information and to record the statements made.	
Recital 71a				
82a			***(71a) Interim measures can be an important tool to ensure that, while an investigation is ongoing, the infringement being investigated does not lead to serious and irreparable damage for business users or end users of gatekeepers. This tool is important to avoid developments that could be very difficult to reverse by a decision taken by the Commission at the end of the proceedings. The Commission should therefore have the power to impose interim measures by decision in the context of proceedings***	***(71a) Interim measures can be an important tool to ensure that, while an investigation is ongoing, the infringement being investigated does not lead to serious and irreparable damage for business users or end users of gatekeepers. This tool is important to avoid developments that could be very difficult to reverse by a decision taken by the Commission at the end of the proceedings. The Commission should therefore have the power to impose interim measures by decision in the context of proceedings***

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			opened in view of the possible adoption of a decision of non-compliance. This power should apply in cases where the Commission has made a prima facie finding of infringement of obligations by gatekeepers and where there is a risk of serious and irreparable damage for business users or end users of gatekeepers. A decision imposing interim measures should only be valid for a specified period, either until the conclusion of the proceedings by the Commission, or for a fixed time period which can be renewed insofar as it is necessary and appropriate.	***opened in view of the possible adoption of a decision of non-compliance. This power should apply in cases where the Commission has made a prima facie finding of infringement of obligations by gatekeepers and where there is a risk of serious and irreparable damage for business users or end users of gatekeepers. A decision imposing interim measures should only be valid for a specified period, either until the conclusion of the proceedings by the Commission, or for a fixed time period which can be renewed insofar as it is necessary and appropriate.***
Recital 72				
83	(72) The Commission should be able to take the necessary actions to monitor the effective implementation and compliance with the obligations laid down in	(72) The Commission should be able to take the necessary actions to monitor the effective implementation and compliance with the obligations laid down in	(72) The Commission should be able to take the necessary actions to monitor the effective implementation and compliance with the obligations laid down in	(72) The Commission should be able to take the necessary actions to monitor the effective implementation ***of*** and compliance with the obligations laid down in

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	this Regulation. Such actions should include the ability of the Commission to appoint independent external experts, such as and auditors to assist the Commission in this process, including where applicable from competent independent authorities, such as data or consumer protection authorities.	this Regulation. Such actions should include the ability of the Commission to appoint independent external experts, such as and auditors to assist the Commission in this process, including where applicable from competent independent authorities, such as data or consumer protection authorities.	this Regulation. Such actions should include the ability of the Commission to appoint independent external experts, such as and auditors to assist the Commission in this process, including where applicable from competent ~~*independent authorities*~~***authorities of the Member States***, such as data or consumer protection authorities.	this Regulation. Such actions should include the ability of the Commission to appoint independent external experts, such as and auditors to assist the Commission in this process, including where applicable from competent ~~*independent*~~ authorities ***of the Member States***, such as data or consumer protection authorities. ***When appointing auditors, the Commission should ensure sufficient rotation.***
Recital 72a				
R 83a			***(72a) The coherent, effective and complementary enforcement of available legal instruments applied to gatekeepers requires cooperation and coordination between the Commission and national authorities within the remit of their competences. The Commission and Member States should cooperate and coordinate***	***(72a) The coherent, effective and complementary enforcement of available legal instruments applied to gatekeepers requires cooperation and coordination between the Commission and national authorities within the remit of their competences. The Commission and Member States should cooperate and coordinate*** R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			their actions necessary for the enforcement of the available legal instruments applied to gatekeepers within the meaning of this Regulation and respect the principle of sincere cooperation laid down in Article 4 of the TFEU. The support by competent authorities of the Member States may include providing the Commission with all necessary information in their possession or assisting, upon request, the Commission with the exercise of its powers in order for the Commission to carry out the duties assigned to it by this Regulation.	***their actions necessary for the enforcement of the available legal instruments applied to gatekeepers within the meaning of this Regulation and respect the principle of sincere cooperation laid down in Article 4 of the TFEU. The support by national authorities may include providing the Commission with all necessary information in their possession or assisting, upon request, the Commission with the exercise of its powers in order for the Commission to carry out the duties assigned to it by this Regulation.***
Recital 72b				
R 83b			***(72b) The Commission is the sole authority empowered to enforce this Regulation. In order to support the Commission, Member States may empower competent***	***(72b) The Commission is the sole authority empowered to enforce this Regulation. In order to support the Commission, Member States may empower competent*** R

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			authorities enforcing competition rules to conduct investigative measures into possible infringements of obligations for gatekeepers, including obligations susceptible of being further specified, under this Regulation. This may in particular be relevant for cases where it cannot be determined from the outset whether a gatekeeper's behaviour may infringe this Regulation, competition rules which the competent authority is empowered to enforce or both. The competent authority enforcing competition rules should be able to report on its findings on possible infringements of obligations for gatekeepers, including obligations susceptible of being further specified, under this Regulation to the Commission in view of the Commission opening proceedings to investigate	***authorities enforcing competition rules to conduct investigative measures into possible infringements of obligations for gatekeepers, including obligations susceptible of being further specified, under this Regulation. This may in particular be relevant for cases where it cannot be determined from the outset whether a gatekeeper's behaviour may infringe this Regulation, competition rules which the competent authority is empowered to enforce or both. The competent authority enforcing competition rules should be able to report on its findings on possible infringements of obligations for gatekeepers, including obligations susceptible of being further specified, under this Regulation to the Commission in view of the Commission opening proceedings to investigate***

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			any non-compliance with the provisions laid down in this Regulation. The Commission shall have full discretion to decide on the opening of these proceedings. In order to avoid overlapping investigations under this Regulation, the competent authority concerned should inform the Commission before taking its first investigative measure into a possible infringement of this Regulation.	***any non-compliance with the provisions laid down in this Regulation. The Commission shall have full discretion to decide on the opening of these proceedings. In order to avoid overlapping investigations under this Regulation, the competent authority concerned should inform the Commission before taking its first investigative measure into a possible infringement of this Regulation. The competent authority should also inform the Commission prior to imposing obligations on gatekeepers based on national competition rules. In order to avoid duplication, information on the draft decision pursuant to Article 11 of Council Regulation (EC) No 1/2003, where applicable, may serve as information under this Regulation.***

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Recital 72c				
R 83c			***(72c) In order to safeguard the harmonized application and enforcement of this Regulation it is important to ensure that national authorities, including national courts, have all necessary information to ensure that their decisions do not run counter to a decision adopted by the Commission under this Regulation. This is without prejudice to the ability of national courts to request a preliminary ruling under Article 267 of the TFEU.***	R
Recital 73				
G 84	(73) Compliance with the obligations imposed under this Regulation should be enforceable by means of fines and periodic penalty payments. To that end, appropriate levels of fines and periodic penalty payments should also be	(73) Compliance with the obligations imposed under this Regulation should be enforceable by means of fines and periodic penalty payments. To that end, appropriate levels of fines and periodic penalty payments should also be	(73) Compliance with the obligations imposed under this Regulation should be enforceable by means of fines and periodic penalty payments. To that end, appropriate levels of fines and periodic penalty payments should also be	(73) Compliance with the obligations imposed under this Regulation should be enforceable by means of fines and periodic penalty payments. To that end, appropriate levels of fines and periodic penalty payments should also be G

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	laid down for non-compliance with the obligations and breach of the procedural rules subject to appropriate limitation periods. The Court of Justice should have unlimited jurisdiction in respect of fines and penalty payments.	laid down for non-compliance with the obligations and breach of the procedural rules subject to appropriate limitation periods. The Court of Justice should have unlimited jurisdiction in respect of fines and penalty payments.	laid down for non-compliance with the obligations and breach of the procedural rules subject to appropriate limitation periods. ~~The Court of Justice should have unlimited jurisdiction in respect of fines and penalty payments.~~	laid down for non-compliance with the obligations and breach of the procedural rules subject to appropriate limitation periods. ~~The Court of Justice should have unlimited jurisdiction in respect of fines and penalty payments.~~
Recital 74				
85	(74) In order to ensure effective recovery of fines imposed on associations of undertakings for infringements that they have committed, it is necessary to lay down the conditions on which the Commission may require payment of the fine from the members of the association where the association is not solvent.	(74) In order to ensure effective recovery of fines imposed on associations of undertakings for infringements that they have committed, it is necessary to lay down the conditions on which the Commission may require payment of the fine from the members of the association where the association is not solvent.	(74) In order to ensure effective recovery of fines imposed on associations of undertakings for infringements that they have committed, it is necessary to lay down the conditions on which the Commission may require payment of the fine from the members of the association where the association is not solvent.	(74) In order to ensure effective recovery of fines imposed on associations of undertakings for infringements that they have committed, it is necessary to lay down the conditions on which the Commission may require payment of the fine from the members of the association where the association is not solvent.
Recital 75				
86	(75) In the context of proceedings carried out under this Regulation, the	(75) In the context of proceedings carried out under this Regulation, the	(75) In the context of proceedings carried out under this Regulation, the	

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	undertakings concerned should be accorded the right to be heard by the Commission and the decisions taken should be widely publicised. While ensuring the rights to good administration and the rights of defence of the undertakings concerned, in particular, the right of access to the file and the right to be heard, it is essential that confidential information be protected. Furthermore, while respecting the confidentiality of the information, the Commission should ensure that any information relied on for the purpose of the decision is disclosed to an extent that allows the addressee of the decision to understand the facts and considerations that led up to the decision. Finally, under certain conditions certain business records, such as communication between lawyers and their clients, may be considered	undertakings concerned should be accorded the right to be heard by the Commission and the decisions taken should be widely publicised. While ensuring the rights to good administration and the rights of defence of the undertakings concerned, in particular, the right of access to the file and the right to be heard, it is essential that confidential ***and sensitive commercial*** information***, which could affect the privacy of trade secrets,*** be protected. Furthermore, while respecting the confidentiality of the information, the Commission should ensure that any information relied on for the purpose of the decision is disclosed to an extent that allows the addressee of the decision to understand the facts and considerations that led up to the decision. Finally, under certain conditions certain business records,	undertakings concerned should be accorded the right to be heard by the Commission and the decisions taken should be widely publicised. While ensuring the rights to good administration and the rights of defence of the undertakings concerned, in particular, the right of access to the file and the right to be heard, it is essential that confidential information be protected. Furthermore, while respecting the confidentiality of the information, the Commission should ensure that any information relied on for the purpose of the decision is disclosed to an extent that allows the addressee of the decision to understand the facts and considerations that led up to the decision. ***It is also necessary to ensure that the Commission only uses information collected for the purposes of this Regulation.*** Finally, under	

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	confidential if the relevant conditions are met.	such as communication between lawyers and their clients, may be considered confidential if the relevant conditions are met.	certain conditions certain business records, such as communication between lawyers and their clients, may be considered confidential if the relevant conditions are met.	
Recital 75a				
86a		***(75a) In order to facilitate cooperation and coordination between the Commission and Member States in their enforcement actions, a high-level group of regulators with responsibilities in the digital sector should be established with the power to advise the Commission. Establishing that group of regulators should enable the exchange of information and best practices among the Members States, and enhance better monitoring and thus strengthen the implementation of this Regulation.***		***(75a) In order to ensure coherence and effective complementarity in the implementation of this Regulation and of other sectoral regulations applying to gatekeepers, the Commission should benefit from the expertise of a dedicated expert group. The High-Level Group may also assist the Commission by means of advice, expertise and recommendations, when relevant, in matters relating to the implementation or enforcement of this Regulation. The High-Level Group should be composed of the Commission and of***

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				relevant European bodies and networks, and its composition should ensure a high level of expertise and a geographical balance. Bodies and networks composing the expert group should regularly report to their members regarding the tasks performed in the context of the group, and consult them in that regard.
Recital 75a				
86b			***(75a) All decisions taken by the Commission under this Regulation are subject to review by the Court of Justice in accordance with the TFEU. In accordance with Article 261 thereof, the Court of Justice should have unlimited jurisdiction in respect of fines and penalty payments.***	***(75b) All decisions taken by the Commission under this Regulation are subject to review by the Court of Justice in accordance with the TFEU. In accordance with Article 261 thereof, the Court of Justice should have unlimited jurisdiction in respect of fines and penalty payments.***
Recital 75b				
86c				

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		(75b) The Commission should apply the provisions of this Regulation in close cooperation with the competent national authorities, to ensure effective enforceability as well as coherent implementation of this Regulation and to facilitate the cooperation with national authorities.		
Recital 76				
87	(76) In order to ensure uniform conditions for the implementation of Articles 3, 6, 12, 13, 15, 16, 17, 20, 22, 23, 25 and 30, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182//2011 of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February	(76) In order to ensure uniform conditions for the implementation of Articles 3, ***5,*** 6, 12, 13, 15, 16, 17, 20, 22, 23, 25 and 30, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) ~~*No 182//2011*~~***No 182/2011*** of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and	(76) In order to ensure uniform conditions for the implementation of Articles ***1, 3, 6, 7, 8, 9, 9a,*** ~~*3, 6,*~~ 12, 13, 15, 16, 17, ~~*20,*~~ 22, 23, 25 and 30, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) ~~*No 182//2011*~~***No 182/2011*** of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of	

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	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).	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).	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).	
Recital 76a				
R 87a			***(76a) The examination procedure should be used for the adoption of an implementing act on the practical arrangements for the cooperation and coordination between the Commission and Member States. The advisory procedure should be used for remaining implementing acts envisaged by this Regulation. This is justified by the fact that these remaining implementing acts consider practical aspects of the procedures laid down in this Regulation, such as form, content and other details of various procedural steps as well as***	R

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			the practical arrangements of different procedural steps, such as, for example, extension of procedural deadlines or right to be heard. The advisory procedure will also be followed for individual decisions adopted under this Regulation.	
Recital 76b				
87b			***(76b) The Commission may develop guidelines to provide further guidance on different procedural aspects of this Regulation or to assist undertakings providing core platform services in the implementation of the obligations under this Regulation. Such guidance may in particular be based on the experience that the Commission obtains through the monitoring of compliance with this Regulation. The issuing of any guidelines under this Regulation is a prerogative and at the sole discretion***	

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			of the Commission and should not be considered as a constitutive element to ensure compliance with the obligations under this Regulation by the undertakings or association of undertakings concerned.	
Recital 77				
88	(77) The advisory committee established in accordance with Regulation (EU) No 182//2011 should also deliver opinions on certain individual decisions of the Commission issued under this Regulation. In order to ensure contestable and fair markets in the digital sector across the Union where gatekeepers are present, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement this Regulation. In particular, delegated acts should be adopted in respect of the methodology	(77) The advisory committee established in accordance with Regulation (EU) ~~*No 182//2011*~~***No 182/2011*** should also deliver opinions on certain individual decisions of the Commission issued under this Regulation. In order to ensure contestable and fair markets in the digital sector across the Union where gatekeepers are present, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement this Regulation. In particular, delegated acts should be adopted in	(77) The advisory committee established in accordance with Regulation (EU) ~~*No 182//2011*~~***No 182/2011*** should also deliver opinions on certain individual decisions of the Commission issued under this Regulation. ~~*In order to ensure contestable and fair markets in the digital sector across the Union where gatekeepers are present, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement this Regulation. In particular, delegated acts should be adopted in*~~	(77) ~~*The advisory committee established*~~ In accordance with ~~*Regulation (EU) No 182//2011 should also deliver opinions on certain individual decisions of the Commission issued under this Regulation. In order to ensure contestable and fair markets in the digital sector across the Union where gatekeepers are present, the power to adopt acts in accordance with Article 290 of the Treaty*~~***Regulation 182/2011, each Member State*** should be ~~*delegated to the Commission to supplement this Regulation. In particular, delegated*~~

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	for determining the quantitative thresholds for designation of gatekeepers under this Regulation and in respect of the update of the obligations laid down in this Regulation where, based on a market investigation the Commission has identified the need for updating the obligations addressing practices that limit the contestability of core platform services or are unfair. It is of particular importance that the Commission carries out appropriate consultations and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member	respect of the methodology for determining the quantitative thresholds for designation of gatekeepers under this Regulation ~~*and in respect of the update of the obligations laid down in this Regulation where, based on a market investigation the Commission has identified the need for updating the obligations addressing practices that limit the contestability of core platform services or are unfair*~~. It is of particular importance that the Commission carries out appropriate consultations and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the	~~*respect of the methodology for determining the quantitative thresholds for designation of gatekeepers under this Regulation and in respect of the update of the obligations laid down in this Regulation where, based on a market investigation the Commission has identified the need for updating the obligations addressing practices that limit the contestability of core platform services or are unfair.*~~ It is ~~*of particular importance that the Commission carries out appropriate consultations and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the*~~	~~*acts should be adopted in respect of the methodology for determining the quantitative thresholds for designation of gatekeepers under this Regulation and in respect of the update of the obligations laid down in this Regulation where, based on a market investigation the Commission has identified the need for updating the obligations addressing practices that limit the contestability of core platform services or are unfair. It is of particular importance that the Commission carries out appropriate consultations and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council*~~

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	States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p.1).	same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p~~.1)~~. 1).	~~same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts~~***the sole prerogative of the Member States to decide who will represent them in the advisory committee, subject to compliance with Regulation (EU) No 182/2011***. _____ ~~1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p.1).~~	~~receive all documents at the same time as~~ ***represented in the advisory committee and decide on the composition of its delegation. Such delegation can include inter alia experts from the competent authorities within the*** Member States~~' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts~~ ***which hold the relevant expertise for a specific issue presented to the advisory committee***. _____ ~~1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p.1).~~
Recital 77a				
88a		***(77a) National courts will have an important role in applying this Regulation***		

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		and should be allowed to ask the Commission to send them information or opinions on questions concerning the application of this Regulation. At the same time, the Commission should be able to submit oral or written observations to courts of the Member States.		
Recital 77a				
88b			***(77a) In order to ensure contestable and fair markets in the digital sector across the Union where gatekeepers are present, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission in respect of amending the methodology for determining whether the quantitative thresholds regarding active end users and active business users for the designation of gatekeepers are met, which is contained in an Annex***	

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			of this Regulation, in respect of further specifying the additional elements of the methodology not falling in this Annex for determining whether the quantitative thresholds regarding the designation of gatekeepers are met, and in respect of supplementing the existing obligations laid down in this Regulation where, based on a market investigation the Commission has identified the need for updating the obligations addressing practices that limit the contestability of core platform services or are unfair and the considered update falls within the scope detailed by the Regulation for such delegated acts. It is of particular importance that the Commission carries out appropriate consultations and that those consultations be conducted in accordance with the principles laid	

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			down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. ***1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p.1).***	
Recital 77b				
88c		***(77b) Whistleblowers can bring new information to the attention of competent authorities which helps them in detecting***		***(77b) Whistle-blowers can bring new information to the attention of competent authorities which may help the competent authorities***

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		infringements of this Regulation and imposing penalties. This Regulation should therefore ensure that adequate arrangements are in place to enable whistleblowers to alert competent authorities to actual or potential infringements of this Regulation and to protect them from retaliation.		***detect infringements of this Regulation and enable them to impose penalties. It should be ensured that adequate arrangements are in place to enable whistle-blowers to alert the competent authorities to actual or potential infringements of this Regulation and to protect the whistle-blowers from retaliation. For that purpose, it should be provided in this Regulation that Directive (EU) 2019/1937 of the European Parliament and of the Council (*) is applicable to the reporting of breaches of this Regulation and to the protection of persons reporting such breaches.***
Recital 77c				
88d				***(77c) To enhance legal certainty, the applicability, pursuant to this Regulation, of Directive (EU) 2019/1937 to reports of breaches of this***

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				Regulation and to the protection of persons reporting such breaches should be reflected in Directive (EU) 2019/1937. The Annex to Directive (EU) 2019/1937 should therefore be amended accordingly. It is for the Member States to ensure that that amendment is reflected in their transposition measures adopted in accordance with Directive (EU) 2019/1937, although neither the amendment nor the adoption of national transposition measures are a condition for the applicability of Directive (EU) 2019/1937 to the reporting of breaches of this Regulation and to the protection of reporting persons from the date of application of this Regulation.
Recital 77c				
88e		***(77c) End users should be***		

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		entitled to enforce their rights in relation to the obligations imposed on gatekeepers under this Regulation through representative actions in accordance with Directive (EU) 2020/1828.		
Recital 78				
89	(78) The Commission should periodically evaluate this Regulation and closely monitor its effects on the contestability and fairness of commercial relationships in the online platform economy, in particular with a view to determining the need for amendments in light of relevant technological or commercial developments. This evaluation should include the regular review of the list of core platform services and the obligations addressed to gatekeepers as well as enforcement of these, in view of ensuring that digital markets across the Union are contestable	(78) The Commission should periodically evaluate this Regulation and closely monitor its effects on the contestability and fairness of commercial relationships in the online platform economy, in particular with a view to determining the need for amendments in light of relevant technological or commercial developments. This evaluation should include the regular review of the list of core platform services ~~*and the obligations addressed to gatekeepers*~~ as well as enforcement of these, in view of ensuring that digital markets across the Union are contestable	(78) The Commission should periodically evaluate this Regulation and closely monitor its effects on the contestability and fairness of commercial relationships in the online platform economy, in particular with a view to determining the need for amendments in light of relevant technological or commercial developments. This evaluation should include the regular review of the list of core platform services and the obligations addressed to gatekeepers as well as enforcement of these, in view of ensuring that digital markets across the Union are contestable	(78) The Commission should periodically evaluate this Regulation and closely monitor its effects on the contestability and fairness of commercial relationships in the online platform economy, in particular with a view to determining the need for amendments in light of relevant technological or commercial developments. This evaluation should include the regular review of the list of core platform services and the obligations addressed to gatekeepers as well as enforcement of these, in view of ensuring that digital markets across the Union are contestable

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	and fair. In order to obtain a broad view of developments in the sector, the evaluation should take into account the experiences of Member States and relevant stakeholders. The Commission may in this regard also consider the opinions and reports presented to it by the Observatory on the Online Platform Economy that was first established by Commission Decision C(2018)2393 of 26 April 2018. Following the evaluation, the Commission should take appropriate measures. The Commission should to maintain a high level of protection and respect for the common EU rights and values, particularly equality and non-discrimination, as an objective when conducting the assessments and reviews of the practices and obligations provided in this Regulation.	and fair. In order to obtain a broad view of developments in the sector, the evaluation should take into account the experiences of Member States and relevant stakeholders. The Commission may in this regard also consider the opinions and reports presented to it by the Observatory on the Online Platform Economy that was first established by Commission Decision C(2018)2393 of 26 April 2018. Following the evaluation, the Commission should take appropriate measures. The Commission should ~~to~~ maintain a high level of protection and respect for the common EU rights and values, particularly equality and non-discrimination, as an objective when conducting the assessments and reviews of the practices and obligations provided in this Regulation.	and fair. In order to obtain a broad view of developments in the sector, the evaluation should take into account the experiences of Member States and relevant stakeholders. The Commission may in this regard also consider the opinions and reports presented to it by the Observatory on the Online Platform Economy that was first established by Commission Decision C(2018)2393 of 26 April 2018. Following the evaluation, the Commission should take appropriate measures. The Commission should to maintain a high level of protection and respect for the common EU rights and values, particularly equality and non-discrimination, as an objective when conducting the assessments and reviews of the practices and obligations provided in this Regulation.	and fair. In order to obtain a broad view of developments in the sector, the evaluation should take into account the experiences of Member States and relevant stakeholders. The Commission may in this regard also consider the opinions and reports presented to it by the Observatory on the Online Platform Economy that was first established by Commission Decision C(2018)2393 of 26 April 2018. Following the evaluation, the Commission should take appropriate measures. The Commission should to maintain a high level of protection and respect for the common EU rights and values, particularly equality and non-discrimination, as an objective when conducting the assessments and reviews of the practices and obligations provided in this Regulation.

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Recital 78a				
89a		***(78a) Without prejudice to the budgetary procedure and through existing financial instruments, adequate human, financial and technical resources should be allocated to the Commission to ensure that it can effectively perform its duties and exercise its powers in respect of the enforcement of this Regulation.***		***(78a) Without prejudice to the budgetary procedure and through existing financial instruments, adequate human, financial and technical resources should be allocated to the Commission to ensure that it can effectively perform its duties and exercise its powers in respect of the enforcement of this Regulation.***
Recital 79, introductory part				
G 90	(79) The objective of this Regulation is to ensure a contestable and fair digital sector in general and core platform services in particular, with a view to promoting innovation, high quality of digital products and services, fair and competitive prices, as well as a high quality and choice for end users in the digital sector. This cannot be sufficiently achieved by the	(79) The objective of this Regulation is to ensure a contestable and fair digital sector in general and core platform services in particular, with a view to promoting innovation, high quality of digital products and services, fair and competitive prices, as well as a high quality and choice for end users in the digital sector. This cannot be sufficiently achieved by the	(79) The objective of this Regulation is to ensure a contestable and fair digital sector in general and core platform services in particular, with a view to promoting innovation, high quality of digital products and services, fair and competitive prices, as well as a high quality and choice for end users in the digital sector. This cannot be sufficiently achieved by the	(79) The objective of this Regulation is to ensure a contestable and fair digital sector in general and core platform services in particular, with a view to promoting innovation, high quality of digital products and services, fair and competitive prices, as well as a high quality and choice for end users in the digital sector. This cannot be sufficiently achieved by the G

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	Member States, but can only, by reason of the business model and operations of the gatekeepers and the scale and effects of their operations, be fully achieved at 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 Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	Member States, but can only, by reason of the business model and operations of the gatekeepers and the scale and effects of their operations, be fully achieved at 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 Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	Member States, but can only, by reason of the business model and operations of the gatekeepers and the scale and effects of their operations, be fully achieved at 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 Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	Member States, but can only, by reason of the business model and operations of the gatekeepers and the scale and effects of their operations, be fully achieved at 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 Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
Recital 79, point ( )				
G 91	This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, in particular Articles 16, 47 and 50 thereof. Accordingly, this	***(79)*** This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, in particular Articles 16, 47 and 50 thereof.	*deleted*	~~*This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, in particular Articles 16, 47 and 50 thereof.*~~ G

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	Regulation should be interpreted and applied with respect to those rights and principles	Accordingly, this Regulation should be interpreted and applied with respect to those rights and principles.		~~Accordingly, this Regulation should be interpreted and applied with respect to those rights and principles~~deleted
Recital 79a				
91a			(79a) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation 2018/1725 and delivered an opinion on 10 February 2021[1]. 1. OJ C 147, 26.4.2021, p. 4.	(79a) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation 2018/1725 and delivered an opinion on 10 February 2021[1]. 1. OJ C 147, 26.4.2021, p. 4.
Recital 79b				
91b			(79b) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, in particular Articles 16, 47 and 50 thereof. Accordingly, this Regulation should be interpreted and applied	

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			with respect to those rights and principles.	
Formula				
92	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:
Chapter I				
93	Chapter I Subject matter, scope and definitions	Chapter I Subject matter, scope and definitions	Chapter I Subject matter, scope and definitions	Chapter I Subject matter, scope and definitions
Article 1				
94	Article 1 Subject-matter and scope	Article 1 Subject-matter and scope	Article 1 Subject-matter and scope	Article 1 Subject-matter and scope
Article 1(1)				
95	1. This Regulation lays down harmonised rules ensuring contestable and fair markets in the digital sector across the Union where gatekeepers are present.	1. ***The purpose of*** this Regulation ~~*lays*~~***is to contribute to the proper functioning of the internal market by laying*** down harmonised rules ensuring contestable and fair markets ***for all businesses to the benefit of both***	1. ***The purpose of*** this Regulation ~~*lays*~~***is to contribute to the proper functioning of the internal market by laying*** down harmonised rules ensuring contestable and fair markets in the digital sector across the Union where	1. ***The purpose of*** this Regulation ~~*lays*~~***is to contribute to the proper functioning of the internal market by laying*** down harmonised rules ensuring contestable and fair markets ***for all businesses to the benefit of both***

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		business users and end users in the digital sector across the Union where gatekeepers are present ***so as to foster innovation and increase consumer welfare***.	gatekeepers are present.	***business users and end users*** in the digital sector across the Union where gatekeepers are present.
Article 1(2)				
96	2. This Regulation shall apply to core platform services provided or offered by gatekeepers to business users established in the Union or end users established or located in the Union, irrespective of the place of establishment or residence of the gatekeepers and irrespective of the law otherwise applicable to the provision of service.	2. This Regulation shall apply to core platform services provided or offered by gatekeepers to ~~*business users established in the Union or*~~ end users established or located in the Union ***and business users***, irrespective of the place of establishment or residence of the gatekeepers ***or business users*** and irrespective of the law otherwise applicable to the provision of service. ***This Regulation shall apply and be interpreted in full respect of fundamental rights and the principles recognised by the Charter of Fundamental Rights of the European Union, in particular Articles 11, 16,***	2. This Regulation shall apply to core platform services provided or offered by gatekeepers to business users established in the Union or end users established or located in the Union, irrespective of the place of establishment or residence of the gatekeepers and irrespective of the law otherwise applicable to the provision of service.	2. This Regulation shall apply to core platform services provided or offered by gatekeepers to business users established in the Union or end users established or located in the Union, irrespective of the place of establishment or residence of the gatekeepers and irrespective of the law otherwise applicable to the provision of service.

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		47 and 50 thereof.		
Article 1(3), introductory part				
97	3. This Regulation shall not apply to markets:	3. This Regulation shall not apply to markets:	3. This Regulation shall not apply to markets:	3. This Regulation shall not apply to markets:
Article 1(3), point (a)				
98	(a) related to electronic communications networks as defined in point (1) of Article 2 of Directive (EU) 2018/1972 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast) (OJ L 321, 17.12.2018, p. 36).	(a) related to electronic communications networks as defined in point (1) of Article 2 of Directive (EU) 2018/1972 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast) (OJ L 321, 17.12.2018, p. 36).	(a) related to electronic communications networks as defined in point (1) of Article 2 of Directive (EU) 2018/1972 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast) (OJ L 321, 17.12.2018, p. 36).	(a) related to electronic communications networks as defined in point (1) of Article 2 of Directive (EU) 2018/1972 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast) (OJ L 321, 17.12.2018, p. 36).
Article 1(3), point (b)				
99	(b) related to electronic communications services as defined in point (4) of Article 2 of Directive (EU) 2018/1972 other than those	(b) related to electronic communications services as defined in point (4) of Article 2 of Directive (EU) 2018/1972 other than those	(b) related to electronic communications services as defined in point (4) of Article 2 of Directive (EU) 2018/1972 other than those	(b) related to electronic communications services as defined in point (4) of Article 2 of Directive (EU) 2018/1972 other than those

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	related to interpersonal communication services as defined in point (4)(b) of Article 2 of that Directive.	related to ***number-independent*** interpersonal communication services as defined in point ~~(4)(b)~~***(7)*** of Article 2 of that Directive.	related to ***number-independent*** interpersonal communication services as defined in point ~~(4)(b)~~***(7)*** of Article 2 of that Directive.	related to ***number-independent*** interpersonal communication services as defined in point ~~(4)(b)~~***(7)*** of Article 2 of that Directive.
Article 1(4)				
G 100	4. With regard to interpersonal communication services this Regulation is without prejudice to the powers and tasks granted to the national regulatory and other competent authorities by virtue of Article 61 of Directive (EU) 2018/1972.	4. With regard to interpersonal communication services this Regulation is without prejudice to the powers and tasks granted to the national regulatory and other competent authorities by virtue of Article 61 of Directive (EU) 2018/1972.	4. With regard to interpersonal communication services this Regulation is without prejudice to the powers and ~~*tasks*~~***responsibilities*** granted to the national regulatory and other competent authorities by virtue of Article 61 of Directive (EU) 2018/1972.	4. With regard to interpersonal communication services this Regulation is without prejudice to the powers and ~~*tasks*~~***responsibilities*** granted to the national regulatory and other competent authorities by virtue of Article 61 of Directive (EU) 2018/1972. G
Article 1(5)				
R 101	5. Member States shall not impose on gatekeepers further obligations by way of laws, regulations or administrative action for the purpose of ensuring contestable and fair markets. This is without prejudice to rules pursuing other legitimate public	5. ***In order to avoid the fragmentation of the internal market,*** Member States shall not impose on gatekeepers ***within the meaning of this Regulation*** further obligations by way of laws, regulations or administrative action for	5. Member States shall not impose on gatekeepers further obligations by way of laws, regulations or administrative action for the purpose of ensuring contestable and fair markets. ~~*This is without prejudice to rules pursuing other legitimate public*~~	5. ***1. In order to avoid the fragmentation of the internal market,*** Member States shall not impose on gatekeepers further obligations by way of laws, regulations or administrative action for the purpose of ensuring contestable and fair R

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	interests, in compliance with Union law. In particular, nothing in this Regulation precludes Member States from imposing obligations, which are compatible with Union law, on undertakings, including providers of core platform services where these obligations are unrelated to the relevant undertakings having a status of gatekeeper within the meaning of this Regulation in order to protect consumers or to fight against acts of unfair competition.	the purpose of ensuring contestable and fair markets. This is without prejudice to rules pursuing other legitimate public interests, in compliance with Union law. In particular, nothing in this Regulation precludes Member States from imposing obligations, which are compatible with Union law, on undertakings, including providers of core platform services where these obligations are unrelated to the relevant undertakings having a status of gatekeeper within the meaning of this Regulation in order to protect consumers ~~or~~, to fight against acts of unfair competition ***or to pursue other legitimate public interests***.	~~*interests, in compliance with Union law. In particular,*~~ Nothing in this Regulation precludes Member States from imposing obligations, which are compatible with Union law, on undertakings, including ~~*providers of*~~***undertakings providing*** core platform services***, for matters falling outside the scope of this Regulation,*** where these obligations ~~*are unrelated to*~~***do not result from*** the relevant undertakings having a status of gatekeeper within the meaning of this Regulation ~~*in order to protect consumers or to fight against acts of unfair competition*~~.	markets. ~~*This is without prejudice to rules pursuing other legitimate public interests, in compliance with Union law. In particular,*~~ Nothing in this Regulation precludes Member States from imposing obligations, which are compatible with Union law, on undertakings, including ~~*providers of*~~***undertakings providing*** core platform services***, for matters falling outside the scope of this Regulation,*** where these obligations ~~*are unrelated to*~~***do not result from*** the relevant undertakings having a status of gatekeeper within the meaning of this Regulation ~~*in order to protect consumers or to fight against acts of unfair competition*~~.
Article 1(6)				
102	6. This Regulation is without prejudice to the	6. This Regulation is without prejudice to the	6. This Regulation is without prejudice to the	6. This Regulation is without prejudice to the

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	application of Articles 101 and 102 TFEU. It is also without prejudice to the application of: national rules prohibiting anticompetitive agreements, decisions by associations of undertakings, concerted practices and abuses of dominant positions; national competition rules prohibiting other forms of unilateral conduct insofar as they are applied to undertakings other than gatekeepers or amount to imposing additional obligations on gatekeepers; Council Regulation (EC) No 139/2004[1] and national rules concerning merger control; Regulation (EU) 2019/1150 and Regulation (EU) …./.. of the European Parliament and of the Council[2]. _____ 1. Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1). 2. Regulation (EU) …/.. of the	application of Articles 101 and 102 TFEU. It is also without prejudice to the application of: national rules prohibiting anticompetitive agreements, decisions by associations of undertakings, concerted practices and abuses of dominant positions; national competition rules prohibiting other forms of unilateral conduct insofar as ~~they~~***these rules*** are applied to undertakings other than gatekeepers ***within the meaning of this Regulation*** or amount to imposing additional obligations on gatekeepers; Council Regulation (EC) No 139/2004[1] and national rules concerning merger control~~; Regulation (EU) 2019/1150~~ and Regulation (EU) ~~…./.. of the European Parliament and of the Council[2]~~ ***2019/1150***. _____ 1. Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC	application of Articles 101 and 102 TFEU. It is also without prejudice to the application of: national ***competition*** rules prohibiting anticompetitive agreements, decisions by associations of undertakings, concerted practices and abuses of dominant positions; national competition rules prohibiting other forms of unilateral conduct insofar as they are applied to undertakings other than gatekeepers or amount to imposing additional obligations on gatekeepers; ***and*** Council Regulation (EC) No 139/2004[1] and national rules concerning merger control~~; Regulation (EU) 2019/1150 and Regulation (EU) …./.. of the European Parliament and of the Council[2]~~. _____ 1. Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1). ~~2. Regulation (EU) …/.. of the~~	application of Articles 101 and 102 TFEU. It is also without prejudice to the application of: national ***competition*** rules prohibiting anticompetitive agreements, decisions by associations of undertakings, concerted practices and abuses of dominant positions; national competition rules prohibiting other forms of unilateral conduct insofar as they are applied to undertakings other than gatekeepers or amount to imposing additional obligations on gatekeepers; ***and*** Council Regulation (EC) No 139/2004[1] and national rules concerning merger control~~; Regulation (EU) 2019/1150 and Regulation (EU) …./.. of the European Parliament and of the Council[2]~~. _____ ~~1. Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).~~ ~~2. Regulation (EU) …/.. of the~~

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	European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.	Merger Regulation) (OJ L 24, 29.1.2004, p. 1). ~~*2. Regulation (EU) .../.. of the European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.*~~	~~*European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.*~~	~~*European Parliament and of the Council – proposal on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.*~~
Article 1(7)				
R 103	7. National authorities shall not take decisions which would run counter to a decision adopted by the Commission under this Regulation. The Commission and Member States shall work in close cooperation and coordination in their enforcement actions.	7. National authorities shall not take decisions which would run counter to a decision adopted by the Commission under this Regulation. The Commission and Member States shall work in close cooperation and coordination in their enforcement actions ***on the basis of the principles established in Article 31d***.	7. ~~*National authorities shall not take decisions which would run counter to a decision adopted by the Commission under this Regulation. The Commission and Member States shall work in close cooperation and coordination in their enforcement actions*~~***The Commission and Member States shall cooperate and coordinate in their enforcement actions on the basis of the principles and rules established in Article 32a***.	7. National authorities shall not take decisions which ~~*would*~~ run counter to a decision adopted by the Commission under this Regulation. The Commission and Member States shall work in close cooperation and coordination in their enforcement actions ***on the basis of the principles established in Articles [X] [X]***. R
Article 2				
G 104	Article 2	Article 2	Article 2	Article 2 G

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	Definitions	Definitions	Definitions	Definitions
Article 2, first paragraph, introductory part				
105	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:
Article 2, first paragraph, point (1)				
106	(1) 'Gatekeeper' means a provider of core platform services designated pursuant to Article 3;	(1) 'Gatekeeper' means a provider of core platform services designated pursuant to Article 3;	(1) 'Gatekeeper' means ~~a provider of~~***an undertaking providing*** core platform services**,** designated pursuant to Article 3;	(1) 'Gatekeeper' means ~~a provider of~~***an undertaking providing*** core platform services**,** designated pursuant to Article 3;
Article 2, first paragraph, point (2), introductory part				
107	(2) 'Core platform service' means any of the following:	(2) 'Core platform service' means any of the following:	(2) 'Core platform service' means any of the following:	(2) 'Core platform service' means any of the following:
Article 2, first paragraph, point (2)(a)				
108	(a) online intermediation services;	(a) online intermediation services;	(a) online intermediation services;	(a) online intermediation services;
Article 2, first paragraph, point (2)(b)				
109	(b) online search engines;	(b) online search engines;	(b) online search engines;	(b) online search engines;

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	Article 2, first paragraph, point (2)(c)					
G	110	(c) online social networking services;	(c) online social networking services;	(c) online social networking services;	(c) online social networking services;	G
	Article 2, first paragraph, point (2)(d)					
G	111	(d) video-sharing platform services;	(d) video-sharing platform services;	(d) video-sharing platform services;	(d) video-sharing platform services;	G
	Article 2, first paragraph, point (2)(e)					
G	112	(e) number-independent interpersonal communication services;	(e) number-independent interpersonal communication services;	(e) number-independent interpersonal communication services;	(e) number-independent interpersonal communication services;	G
	Article 2, first paragraph, point (2)(f)					
G	113	(f) operating systems;	(f) operating systems;	(f) operating systems;	(f) operating systems;	G
	Article 2, first paragraph, point (2)(fa)					
R	113a		***(fa) web browsers;***			R
	Article 2, first paragraph, point (2)(fb)					
R	113b		***(fb) virtual assistants;***			R

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Article 2, first paragraph, point (2)(fc)				
113c		***(fc) connected TV;***		
Article 2, first paragraph, point (2)(g)				
114	(g) cloud computing services;	(g) cloud computing services;	(g) cloud computing services;	(g) cloud computing services;
Article 2, first paragraph, point (2)(h)				
115	(h) advertising services, including any advertising networks, advertising exchanges and any other advertising intermediation services, provided by a provider of any of the core platform services listed in points (a) to (g);	(h) ***online*** advertising services, including any advertising networks, advertising exchanges and any other advertising intermediation services, provided by ***a provider where the undertaking to which it belongs is also*** a provider of any of the core platform services listed in points (a) to (g);	(h) advertising services, including any advertising networks, advertising exchanges and any other advertising intermediation services, provided by ~~*a provider of*~~***an undertaking providing*** any of the core platform services listed in points (a) to (g);	(h) ***online*** advertising services, including any advertising networks, advertising exchanges and any other advertising intermediation services, provided by ~~*a provider of*~~***an undertaking providing*** any of the core platform services listed in points (a) to (g);
Article 2, first paragraph, point (3)				
116	(3) 'Information society service' means any service within the meaning of point	(3) 'Information society service' means any service within the meaning of point	(3) 'Information society service' means any service within the meaning of point	(3) 'Information society service' means any service within the meaning of point

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	(b) of Article 1(1) of Directive (EU) 2015/1535;	(b) of Article 1(1) of Directive (EU) 2015/1535;	(b) of Article 1(1) of Directive (EU) 2015/1535;	(b) of Article 1(1) of Directive (EU) 2015/1535;
Article 2, first paragraph, point (4)				
117	(4) 'Digital sector' means the sector of products and services provided by means of or through information society services;	(4) 'Digital sector' means the sector of products and services provided by means of or through information society services;	(4) 'Digital sector' means the sector of products and services provided by means of or through information society services;	(4) 'Digital sector' means the sector of products and services provided by means of or through information society services;
Article 2, first paragraph, point (5)				
118	(5) 'Online intermediation services' means services as defined in point 2 of Article 2 of Regulation (EU) 2019/1150;	(5) 'Online intermediation services' means services as defined in point 2 of Article 2 of Regulation (EU) 2019/1150;	(5) 'Online intermediation services' means services as defined in point ~~2~~ ***(2)*** of Article 2 of Regulation (EU) 2019/1150;	(5) 'Online intermediation services' means services as defined in point ~~2~~ ***(2)*** of Article 2 of Regulation (EU) 2019/1150;
Article 2, first paragraph, point (6)				
119	(6) 'Online search engine' means a digital service as defined in point 5 of Article 2 of Regulation (EU) 2019/1150;	(6) 'Online search engine' means a digital service as defined in point 5 of Article 2 of Regulation (EU) 2019/1150 ***thus excluding the search functions on other online intermediation services***;	(6) 'Online search engine' means a digital service as defined in point ~~5~~ ***(5)*** of Article 2 of Regulation (EU) 2019/1150;	(6) 'Online search engine' means a digital service as defined in point ~~5~~ ***(5)*** of Article 2 of Regulation (EU) 2019/1150;
Article 2, first paragraph, point (7)				

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120	(7) 'Online social networking service' means a platform that enables end users to connect, share, discover and communicate with each other across multiple devices and, in particular, via chats, posts, videos and recommendations;	(7) 'Online social networking service' means a platform that enables end users to connect, share, discover and communicate with each other across multiple devices and, in particular, via chats, posts, videos and recommendations;	(7) 'Online social networking service' means a platform that enables end users to connect, share, discover and communicate with each other across multiple devices and, in particular, via chats, posts, videos and recommendations;	(7) 'Online social networking service' means a platform that enables end users to connect, share, discover and communicate with each other across multiple devices and, in particular, via chats, posts, videos and recommendations;
Article 2, first paragraph, point (8)				
121	(8) 'Video-sharing platform service' means a service as defined in point (aa) of Article 1(1) of Directive (EU) 2010/13[1]; _____ 1. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).	(8) 'Video-sharing platform service' means a service as defined in point (aa) of Article 1(1) of Directive (EU) 2010/13[1]; _____ 1. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).	(8) 'Video-sharing platform service' means a service as defined in point (aa) of Article 1(1) of Directive (EU) 2010/13[1]; _____ 1. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).	(8) 'Video-sharing platform service' means a service as defined in point (aa) of Article 1(1) of Directive (EU) 2010/13[1]; _____ 1. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).
Article 2, first paragraph, point (9)				
122				

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	(9) 'Number-independent interpersonal communications service' means a service as defined in point 7 of Article 2 of Directive (EU) 2018/1972;	(9) 'Number-independent interpersonal communications service' means a service as defined in point 7 of Article 2 of Directive (EU) 2018/1972;	(9) 'Number-independent interpersonal communications service' means a service as defined in point ~~7~~ *(7)* of Article 2 of Directive (EU) 2018/1972;	(9) 'Number-independent interpersonal communications service' means a service as defined in point ~~7~~ *(7)* of Article 2 of Directive (EU) 2018/1972;
Article 2, first paragraph, point (10)				
G 123	(10) 'Operating system' means a system software which controls the basic functions of the hardware or software and enables software applications to run on it;	(10) 'Operating system' means a system software which controls the basic functions of the hardware or software and enables software applications to run on it;	(10) 'Operating system' means a system software which controls the basic functions of the hardware or software and enables software applications to run on it;	(10) 'Operating system' means a system software which controls the basic functions of the hardware or software and enables software applications to run on it; G
Article 2, first paragraph, point (10a)				
R 123a		*(10a) Web browser' means software application that enables users to access and interact with web content hosted on servers that are connected to networks such as the Internet, including standalone web browsers as well as web browsers integrated or embedded in software or similar*		*(10a) Web browser' means a software application that enables end users to access and interact with web content hosted on servers that are connected to networks such as the Internet, including standalone web browsers as well as web browsers integrated or embedded in software or similar.* R

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Article 2, first paragraph, point (10b)				
R 123b		***(10b) 'Virtual assistants' means software that is incorporated or inter-connected with a good, within the meaning of Directive (EU) 2019/771, that can process demands, tasks or questions based on audio, imaging or other cognitive-computing technologies, including augmented reality services, and based on those demands, tasks or questions access their own and third party services or control their own and third party devices.***		***(10b) Virtual assistants' means software that can process demands, tasks or questions including based on audio, visual, written input, gestures or motions, and based on those demands, tasks or questions provides access to other services or controls connected/physical devices*** R
Article 2, first paragraph, point (10c)				
R 123c		***(10c) "connected TV" means a system software or software application that controls a television set connected to the internet that enables software applications to run on it including for the***		R

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		provision of music and video streaming, or viewing of pictures;		
Article 2, first paragraph, point (11)				
124	(11) 'Cloud computing services' means a digital service as defined in point 19 of Article 4 of Directive (EU) 2016/1148 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).	(11) 'Cloud computing services' means a digital service as defined in point 19 of Article 4 of Directive (EU) 2016/1148 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).	(11) 'Cloud computing services' means a digital service as defined in point ***(19)*** ~~19~~ of Article 4 of Directive (EU) 2016/1148 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).	(11) 'Cloud computing services' means a digital service as defined in point ***(19)*** ~~19~~ of Article 4 of Directive (EU) 2016/1148 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).
Article 2, first paragraph, point (12)				
125	(12) 'Software application stores' means a type of online intermediation services, which is focused on software applications as the intermediated product or service;	(12) 'Software application stores' means a type of online intermediation services, which is focused on software applications as the intermediated product or service;	(12) 'Software application stores' means a type of online intermediation services, which is focused on software applications as the intermediated product or service;	(12) 'Software application stores' means a type of online intermediation services, which is focused on software applications as the intermediated product or service;

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Article 2, first paragraph, point (13)				
126	(13) 'Software application' means any digital product or service that runs on an operating system;	(13) 'Software application' means any digital product or service that runs on an operating system;	(13) 'Software application' means any digital product or service that runs on an operating system;	(13) 'Software application' means any digital product or service that runs on an operating system;
Article 2, first paragraph, point (14)				
127	(14) 'Ancillary service' means services provided in the context of or together with core platform services, including payment services as defined in point 3 of Article 4 and technical services which support the provision of payment services as defined in Article 3(j) of Directive (EU) 2015/2366, fulfilment, identification or advertising services;	(14) 'Ancillary service' means services provided in the context of or together with core platform services, including payment services as defined in point 3 of Article 4 ~~*and*~~, technical services which support the provision of payment services as defined in Article 3(j) of Directive (EU) 2015/2366, ***in-app payment systems,*** fulfilment***, including parcel delivery as defined in Article 2 paragraph 2 of Regulation (EU) 2018/644, freight transport***, identification or advertising services;	(14) 'Ancillary service' means services provided in the context of or together with core platform services, including payment services as defined in point ~~*3*~~***(3)*** of Article 4 ***of Directive (EU) 2015/2366*** and technical services which support the provision of payment services as defined in Article 3(j) of Directive (EU) 2015/2366, fulfilment, identification or advertising services;	
Article 2, first paragraph, point (14a)				

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127a		***(14a) In-app payment system' means an application, service or user interface to process the payments from users of an app.***		***(14a) Payment systems for in-app purchases" means an application, service or user interface to facilitate purchases of digital content or digital services within an app (including content, subscriptions, features or functionality) and the payments for such purchases.***
Article 2, first paragraph, point (15)				
128	(15) 'Identification service' means a type of ancillary services that enables any type of verification of the identity of end users or business users, regardless of the technology used;	(15) 'Identification service' means a type of ancillary services that enables any type of verification of the identity of end users or business users, regardless of the technology used;	(15) 'Identification service' means a type of ancillary services that enables any type of verification of the identity of end users or business users, regardless of the technology used;	(15) 'Identification service' means a type of ancillary services that enables any type of verification of the identity of end users or business users, regardless of the technology used;
Article 2, first paragraph, point (16)				
129	(16) 'End user' means any natural or legal person using core platform services other than as a business user;	(16) 'End user' means any natural or legal person using core platform services other than as a business user;	(16) 'End user' means any natural or legal person using core platform services other than as a business user;	(16) 'End user' means any natural or legal person using core platform services other than as a business user;

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Article 2, first paragraph, point (17)				
130	(17) 'Business user' means any natural or legal person acting in a commercial or professional capacity using core platform services for the purpose of or in the course of providing goods or services to end users;	(17) 'Business user' means any natural or legal person acting in a commercial or professional capacity using core platform services for the purpose of or in the course of providing goods or services to end users;	(17) 'Business user' means any natural or legal person acting in a commercial or professional capacity using core platform services for the purpose of or in the course of providing goods or services to end users;	(17) 'Business user' means any natural or legal person acting in a commercial or professional capacity using core platform services for the purpose of or in the course of providing goods or services to end users;
Article 2, first paragraph, point (18)				
131	(18) 'Ranking' means the relative prominence given to goods or services offered through online intermediation services or online social networking services, or the relevance given to search results by online search engines, as presented, organised or communicated by the providers of online intermediation services or of online social networking services or by providers of online search engines, respectively, whatever the technological means used	(18) 'Ranking' means the relative prominence given to goods or services offered through ~~online intermediation services or online social networking~~***core platform*** services, or the relevance given to search results by online search engines, as presented, organised or communicated by the ~~providers of online intermediation services or of online social networking services or by~~***core platform service*** providers ~~of online search engines,~~	(18) 'Ranking' means the relative prominence given to goods or services offered through online intermediation services ~~or~~***including*** online social networking ***services and video-sharing platform*** services, or the relevance given to search results by online search engines, as presented, organised or communicated by, ***respectively the undertakings providing*** ~~the providers of~~ online intermediation services or ~~of online social networking~~	(18) ***(18)*** 'Ranking' means the relative prominence given to goods or services offered through online intermediation services ~~or~~, online social networking services, ***video-sharing platform services [or virtual assistants],*** or the relevance given to search results by online search engines, as presented, organised or communicated by ~~the providers of~~ ***the undertakings providing*** online intermediation services ~~or of~~, online social

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	for such presentation, organisation or communication;	~~*respectively, whatever*~~**,** ***irrespectively of*** the technological means used for such presentation, organisation or communication;	~~*services or by providers of*~~***the undertakings providing*** online search engines, ~~*respectively,*~~ whatever the technological means used for such presentation, organisation or communication;	networking services**,** ***video-sharing platform services, [virtual assistant] or*** ~~*or by providers of*~~ online search engines, ~~*respectively,*~~ whatever the technological means used for such presentation, organisation or communication~~.~~ ***irrespectively whether only one result is presented or communicated.***
	Article 2, first paragraph, point (18a)			
G	131a		***(18a) 'Search results' means any information in any format, including texts, graphics, voice or other output, returned in response and related to a written or oral search query, irrespective of whether the information is an organic result, a paid result, a direct answer or any product, service or information offered in connection with, or displayed along with, or partly or entirely embedded in, the organic***	***(18a) 'Search results' means any information in any format, including texts, graphics, voice or other output, returned in response and related to a written or oral search query, irrespective of whether the information is an unpaid result, a paid result, a direct answer or any product, service or information offered in connection with, or displayed along with, or partly or entirely embedded in, the organic*** G

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		results;		***results;***
Article 2, first paragraph, point (19)				
132	(19) 'Data' means any digital representation of acts, facts or information and any compilation of such acts, facts or information, including in the form of sound, visual or audiovisual recording;	(19) 'Data' means any digital representation of acts, facts or information and any compilation of such acts, facts or information, including in the form of sound, visual or audiovisual recording;	(19) 'Data' means any digital representation of acts, facts or information and any compilation of such acts, facts or information, including in the form of sound, visual or audiovisual recording;	(19) 'Data' means any digital representation of acts, facts or information and any compilation of such acts, facts or information, including in the form of sound, visual or audiovisual recording;
Article 2, first paragraph, point (20)				
133	(20) 'Personal data' means any information as defined in point 1 of Article 4 of Regulation (EU) 2016/679;	(20) 'Personal data' means any information as defined in point 1 of Article 4 of Regulation (EU) 2016/679;	(20) 'Personal data' means any information as defined in point ~~1~~***(1)*** of Article 4 of Regulation (EU) 2016/679;	(20) 'Personal data' means any information as defined in point ~~1~~***(1)*** of Article 4 of Regulation (EU) 2016/679;
Article 2, first paragraph, point (21)				
134	(21) 'Non-personal data' means data other than personal data as defined in point 1 of Article 4 of Regulation (EU) 2016/679;	(21) 'Non-personal data' means data other than personal data as defined in point 1 of Article 4 of Regulation (EU) 2016/679;	(21) 'Non-personal data' means data other than personal data as defined in point ~~1~~***(1)*** of Article 4 of Regulation (EU) 2016/679;	(21) 'Non-personal data' means data other than personal data as defined in point ~~1~~***(1)*** of Article 4 of Regulation (EU) 2016/679;
Article 2, first paragraph, point (22)				
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	(22) 'Undertaking' means all linked enterprises or connected undertakings that form a group through the direct or indirect control of an enterprise or undertaking by another and that are engaged in an economic activity, regardless of their legal status and the way in which they are financed;	(22) 'Undertaking' means all linked enterprises or connected undertakings that form a group through the direct or indirect control of an enterprise or undertaking by another and that are engaged in an economic activity, regardless of their legal status and the way in which they are financed;	(22) 'Undertaking' means all linked enterprises or connected undertakings that form a group through the direct or indirect control of an enterprise or undertaking by another and that are engaged in an economic activity, regardless of their legal status and the way in which they are financed;	(22) 'Undertaking' means all linked enterprises or connected undertakings that form a group through the direct or indirect control of an enterprise or undertaking by another and that are engaged in an economic activity, regardless of their legal status and the way in which they are financed;
Article 2, first paragraph, point (23)				
G 136	(23) 'Control' means the possibility of exercising decisive influence on an undertaking, as understood in Regulation (EU) No 139/2004.	(23) 'Control' means the possibility of exercising decisive influence on an undertaking, as understood in Regulation (EU) No 139/2004.	(23) 'Control' means the possibility of exercising decisive influence on an undertaking, as understood in ***Article 3(2) of*** Regulation (~~EU~~***EC***) No 139/2004~~.~~**;**	(23) 'Control' means the possibility of exercising decisive influence on an undertaking, as understood in ***Article 3(2) of*** Regulation (~~EU~~***EC***) No 139/2004~~.~~**;**
Article 2, first paragraph, point (23a)				
R 136a		***(23a) 'Interoperability' means the ability to exchange information and mutually use the information which has been exchanged so that all elements of hardware or***		

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		software relevant for a given service and used by its provider effectively work with hardware or software relevant for a given services provided by third party providers different from the elements through which the information concerned is originally provided. This shall include the ability to access such information without having to use an application software or other technologies for conversion.		
	Article 2, first paragraph, point (23a)			
G	136b		***(23a) 'Turnover' means the amount derived by an undertaking as defined in Article 5(1) of Regulation (EC) No 139/2004;***	***(23b) 'Turnover' means the amount derived by an undertaking as defined in Article 5(1) of Regulation (EC) No 139/2004;***
	Article 2, first paragraph, point (23b)			
G	136c		***(23b) 'Profiling' means profiling as defined in Article 4 point (4) of Regulation (EU) 2016/679;***	***(23c) 'Profiling' means profiling as defined in Article 4 point (4) of Regulation (EU) 2016/679;***

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Article 2, first paragraph, point (23c)				
136d			***(23c) 'Consent' means consent as defined in Article 4 point (11) of Regulation (EU) 2016/679;***	***(23d) 'Consent' means consent as defined in Article 4 point (11) of Regulation (EU) 2016/679;***
Article 2, first paragraph, point (23d)				
136e			***(23d) 'National court' means a court or tribunal of a Member State within the meaning of Article 267 TFEU.***	***(23e) 'National court' means a court or tribunal of a Member State within the meaning of Article 267 TFEU.***
Chapter II				
137	Chapter II Gatekeepers	Chapter II Gatekeepers	Chapter II Gatekeepers	Chapter II Gatekeepers
Article 3				
138	Article 3 Designation of gatekeepers	Article 3 Designation of gatekeepers	Article 3 Designation of gatekeepers	Article 3 Designation of gatekeepers
Article 3(1), introductory part				
139	1. A provider of core	1. ~~*A provider of core*~~	1. ~~*A provider of core*~~	1. ~~*A provider of core*~~

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	platform services shall be designated as gatekeeper if:	~~platform services~~***An undertaking*** shall be designated as gatekeeper if:	~~platform services~~***An undertaking*** shall be designated as gatekeeper if:	~~platform services~~***An undertaking*** shall be designated as gatekeeper if:
Article 3(1), point (a)				
140	(a) it has a significant impact on the internal market;	(a) it has a significant impact on the internal market;	(a) it has a significant impact on the internal market;	(a) it has a significant impact on the internal market;
Article 3(1), point (b)				
141	(b) it operates a core platform service which serves as an important gateway for business users to reach end users; and	(b) it operates a core platform service which serves as an important gateway for business users ***and end users*** to reach ***other*** end users; and	(b) it ~~operates~~***provides*** a core platform service which serves as an important gateway for business users to reach end users; and	(b) it ~~operates~~***provides*** a core platform service which ~~serves as~~***is*** an important gateway for business users to reach end users; and
Article 3(1), point (c)				
142	(c) it enjoys an entrenched and durable position in its operations or it is foreseeable that it will enjoy such a position in the near future.	(c) it enjoys an entrenched and durable position in its operations or it is foreseeable that it will enjoy such a position in the near future.	(c) it enjoys an entrenched and durable position in its operations or it is foreseeable that it will enjoy such a position in the near future.	(c) it enjoys an entrenched and durable position in its operations or it is foreseeable that it will enjoy such a position in the near future.
Article 3(2), introductory part				
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	2. A provider of core platform services shall be presumed to satisfy:	2. ~~*A provider of core platform services*~~***An undertaking*** shall be presumed to satisfy:	2. ~~*A provider of core platform services*~~***An undertaking*** shall be presumed to satisfy:	2. ~~*A provider of core platform services*~~***An undertaking*** shall be presumed to satisfy:
	Article 3(2), point (a)			
R	144 (a) the requirement in paragraph 1 point (a) where the undertaking to which it belongs achieves an annual EEA turnover equal to or above EUR 6.5 billion in the last three financial years, or where the average market capitalisation or the equivalent fair market value of the undertaking to which it belongs amounted to at least EUR 65 billion in the last financial year, and it provides a core platform service in at least three Member States;	(a) the requirement in paragraph 1 point (a) where ~~*the undertaking to which it belongs*~~ ***it*** achieves an annual EEA turnover equal to or above EUR ~~*6.5*~~***8*** billion in the last three financial years, or where the average market capitalisation or the equivalent fair market value of the undertaking ~~*to which it belongs*~~ amounted to at least EUR ~~*65*~~***80*** billion in the last financial year, and it provides a core platform service in at least three Member States;	(a) the requirement in paragraph 1 point (a) where ~~*the undertaking to which it belongs*~~ ***it*** achieves an annual EEA turnover equal to or above EUR 6.5 billion in ***each of*** the last three financial years, or where ~~*the*~~***its*** average market capitalisation or ~~*the*~~***its*** equivalent fair market value ~~*of the undertaking to which it belongs*~~ amounted to at least EUR 65 billion in the last financial year, and it provides ~~*a*~~***the same*** core platform service in at least three Member States;	R
	Article 3(2), point (b), introductory part			
Y	145 (b) the requirement in paragraph 1 point (b) where it provides a core platform service that has more than	(b) the requirement in paragraph 1 point (b) where it provides ~~*a*~~***one or more*** core platform ~~*service*~~	(b) the requirement in paragraph 1 point (b) where it provides a core platform service that has ***equal to or***	(b) the requirement in paragraph 1 point (b) where it provides a core platform service that has ~~*more*~~	Y

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	45 million monthly active end users established or located in the Union and more than 10 000 yearly active business users established in the Union in the last financial year;	~~that~~***services each of which*** has more than 45 million monthly ~~active~~ end users established or located in the ~~Union~~***EEA*** and more than 10 000 yearly ~~active~~ business users established in the ~~Union~~***EEA*** in the last financial year~~;~~**.**	more than 45 million monthly active end users established or located in the Union and ***equal to or*** more than 10 000 yearly active business users established in the Union in the last financial year***. Monthly active end users and yearly active business users shall be identified and calculated taking into account the methodology set out in the Annex to this Regulation***;	~~than~~***at least*** 45 million monthly active end users established or located in the Union and ~~more than~~***at least*** 10 000 yearly active business users established in the Union in the last financial year***. Monthly [active] end users and yearly [active] business users shall be identified and calculated taking into account the methodology and indicators set out in the Annex to this Regulation***;
	Article 3(2), point (b), first paragraph			
Y	146	for the purpose of the first subparagraph, monthly active end users shall refer to the average number of monthly active end users throughout the largest part of the last financial year;	*deleted*	for the purpose of ~~the first subparagraph~~***this point***, monthly active end users shall refer to the average number of monthly active end users throughout the largest part of the last financial year;	~~for the purpose of the first subparagraph, monthly active end users shall refer to the average number of monthly active end users throughout the largest part of the last financial year;~~***deleted***	Y
	Article 3(2), point (c)			
R	147	(c) the requirement in paragraph 1 point (c) where	(c) the requirement in paragraph 1 point (c) where	(c) the requirement in paragraph 1 point (c) where	(c) the requirement in paragraph 1 point (c) where	R

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	the thresholds in point (b) were met in each of the last three financial years.	the thresholds in point (b) were met in each of the last ~~three~~***two*** financial years.	the thresholds in point (b) were met in each of the last three financial years.	the thresholds in point (b) were met in each of the last three financial years.
	Article 3(2a)			
Y	147a	***2a. For the purpose of point (b),*** ***(i) monthly end users and yearly business users shall be measured taking into account the indicators set out in the Annex to this Regulation; and*** ***(ii) monthly end users shall refer to the average number of monthly end users during a period of at least six months within the last financial year;***		Y
	Article 3(3), introductory part			
G	148	3. ~~-~~Where ~~*a provider of*~~***an undertaking providing*** core platform services meets all the thresholds in paragraph 2, it shall notify the Commission thereof ***without delay and in any case*** within ~~*three*~~***two***	3. ~~-~~Where ~~*a provider of*~~***an undertaking providing*** core platform services meets all the thresholds in paragraph 2, it shall notify the Commission thereof within ~~*three*~~***two*** months after those thresholds are satisfied and	3. ***3.*** Where ~~*a provider of*~~***an undertaking providing*** core platform ~~*services*~~***service*** meets all the thresholds in paragraph 2, it shall notify the Commission thereof ***without delay and in any***	G

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	the relevant information identified in paragraph 2.. That notification shall include the relevant information identified in paragraph 2 for each of the core platform services of the provider that meets the thresholds in paragraph 2 point (b). The notification shall be updated whenever other core platform services individually meet the thresholds in paragraph 2 point (b).	months after those thresholds are satisfied and provide it with the relevant information identified in paragraph 2.~~.~~ That notification shall include the relevant information identified in paragraph 2 for each of the core platform services of the ~~provider~~***undertaking*** that meets the thresholds in paragraph 2 point (b). The notification shall be updated whenever other core platform services individually meet the thresholds in paragraph 2 point (b).	provide it with the relevant information ***relating to the quantitative thresholds*** identified in paragraph 2~~.~~. That notification shall include the relevant information ***relating to the quantitative thresholds*** identified in paragraph 2 for each of the core platform services of the ~~provider~~***undertaking*** that meets the thresholds in paragraph 2 point (b).~~ *The notification shall be updated whenever other core platform services individually meet the thresholds in paragraph 2 point (b).*~~	***case*** within ~~*three*~~***two*** months after those thresholds are satisfied and provide it with the relevant information identified in paragraph 2~~.~~. That notification shall include the relevant information identified in paragraph 2 for each of the core platform services of the ~~provider~~***undertaking*** that meets the thresholds in paragraph 2 point (b). ~~*The notification shall be updated whenever other core platform services individually meet*~~***Whenever a further core platform service provided by the undertaking that has previously been designated as a gatekeeper meets*** the thresholds in paragraph 2 point (b) ***and (c), such undertaking shall notify the Commission thereof within two months after those thresholds are satisfied***.
Article 3(3), first paragraph				
149				

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	A failure by a relevant provider of core platform services to notify the required information pursuant to this paragraph shall not prevent the Commission from designating these providers as gatekeepers pursuant to paragraph 4 at any time.	A failure by a relevant ~~provider of~~***undertaking providing*** core platform ~~services~~***service*** to notify the required information pursuant to this paragraph shall not prevent the Commission from designating these ~~providers~~***undertakings*** as gatekeepers pursuant to paragraph 4 at any time.	~~A failure by a relevant provider of~~***Should the Commission consider that an undertaking providing*** core platform services ***meets all the thresholds provided in paragraph 2, but has failed*** to notify the required information pursuant to ***the first subparagraph of*** this paragraph***, the Commission shall require that undertaking pursuant to Article 19 to provide the relevant information relating to the quantitative thresholds identified in paragraph 2 within 10 working days. The failure by the undertaking providing core platform services to comply with the Commission's request pursuant to Article 19*** shall not prevent the Commission from designating ~~these providers as gatekeepers pursuant to paragraph 4 at any time~~***that undertaking as a gatekeeper based on any other information***	~~A failure by a relevant provider of core platform services to notify the required~~***Where the undertaking providing the core platform service fails to notify the Commission pursuant to the first subparagraph of this paragraph and fails to provide within the deadline set by the Commission in the request for*** information pursuant to ~~this paragraph shall not prevent~~***Article 19 all the relevant information that is required for*** the Commission ~~from designating these providers as gatekeepers~~***to designate an undertaking concerned as gatekeeper*** pursuant to paragraph 4***, the Commission shall be entitled to designate that undertaking as a gatekeeper based on information available to the Commission.*** ***Where the undertaking providing core platform***

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			available to the Commission. Where the undertaking providing core platform services complies with the request, the Commission shall apply the procedure set out in paragraph 4.	***services complies with the request pursuant to second subparagraph of this paragraph, the Commission shall apply the procedure set out in paragraph 4*** ~~*at any time*~~.
Article 3(4), introductory part				
R 150	4. The Commission shall, without undue delay and at the latest 60 days after receiving the complete information referred to in paragraph 3, designate the provider of core platform services that meets all the thresholds of paragraph 2 as a gatekeeper, unless that provider, with its notification, presents sufficiently substantiated arguments to demonstrate that, in the circumstances in which the relevant core platform service operates, and taking into account the elements listed in paragraph 6, the provider does not satisfy the requirements of paragraph	4. ~~-~~The Commission shall, without undue delay and at the latest 60 days after receiving the complete information referred to in paragraph 3, designate the ~~*provider of*~~***undertaking providing*** core platform services that meets all the thresholds of paragraph 2 as a gatekeeper~~*, unless that provider*~~***. The undertaking may present***, with its notification, ~~*presents sufficiently substantiated*~~***compelling*** arguments to demonstrate that, in the circumstances in which the relevant core platform service operates, ~~*and taking into account the elements listed in*~~	4. ~~-~~The Commission shall, without undue delay and at the latest ~~*60*~~***45 working*** days after receiving the complete information referred to in paragraph 3, designate the ~~*provider of*~~***undertaking providing*** core platform services that meets all the thresholds of paragraph 2 as a gatekeeper, unless that ~~*provider*~~***undertaking***, with its notification, presents sufficiently substantiated arguments to demonstrate that, in the circumstances in which the relevant core platform service operates, ~~*and taking into account the elements listed in paragraph 6, the provider*~~	4. ~~-~~The Commission shall, without undue delay and at the latest ~~*60*~~***45 working*** days after receiving the complete information referred to in paragraph 3, designate the ~~*provider of*~~***undertaking providing*** core platform services that meets all the thresholds of paragraph 2 as a gatekeeper~~*, unless that provider, with its notification, presents sufficiently substantiated arguments to demonstrate that, in the circumstances in which the relevant core platform service operates, and taking into account the elements listed in paragraph 6, the provider*~~ R

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	1.	~~*paragraph 6, the provider*~~***the undertaking*** does not satisfy the requirements of paragraph 1.	~~*does not satisfy the requirements of*~~***the undertaking exceptionally does not satisfy the requirements of paragraph 1 although it meets all the thresholds in*** paragraph ~~*1*~~***2***.	~~*does not satisfy the requirements of paragraph 1*~~***.***
Article 3(4), first paragraph				
R 151	Where the gatekeeper presents such sufficiently substantiated arguments to demonstrate that it does not satisfy the requirements of paragraph 1, the Commission shall apply paragraph 6 to assess whether the criteria in paragraph 1 are met.	*deleted*	Where the ~~*gatekeeper*~~***undertaking*** presents such sufficiently substantiated arguments to demonstrate that it ***exceptionally*** does not satisfy the requirements of paragraph 1 ***although it meets all the thresholds in paragraph 2***, the Commission shall ~~*apply paragraph 6 to assess whether the criteria in paragraph 1 are met*~~***designate the undertaking as a gatekeeper, in accordance with the procedure laid down in Article 15(3), if it concludes that the undertaking was not able to demonstrate that the relevant core platform***	~~*Where the gatekeeper presents such*~~***The undertaking may present, with its notification,*** sufficiently substantiated arguments to demonstrate that***, in the circumstances in which the relevant core platform service operates, the undertaking exceptionally does not satisfy the requirements of*~~ ~~*it does not satisfy the requirements of paragraph 1, the Commission shall apply*~~ paragraph ~~*6 to assess whether the criteria*~~***1 although it meets all the thresholds*** in paragraph ~~*1 are met.*~~***2.*** R

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			service it provides does not satisfy the requirements of paragraph 1.	
Article 3(4), first paragraph a				
151a			***Where the undertaking providing a core platform service, which satisfies the quantitative thresholds of paragraph 2 but has presented, according to this paragraph, sufficiently substantiated arguments that it does not meet the criteria in paragraph 1, fails to comply with the investigative measures ordered by the Commission for the purpose of assessing the undertaking's arguments, in a significant manner and the failure persists after the undertaking has been invited to comply within a reasonable time-limit and to submit observations, the Commission shall be entitled to designate that undertaking as a gatekeeper.***	***4bis Where the Commission considers that the arguments submitted by the undertaking providing core platform services are not sufficiently substantiated because they do not manifestly put into question the presumption in Article 3(2), it may reject those arguments within the time limit referred to in [paragraph 4] without applying the procedure laid down in Article 15(3).*** ***Where the undertaking presents such sufficiently substantiated arguments, manifestly putting into question the presumption in Article 3(2), the Commission may, notwithstanding paragraph 4, within the***

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				time limit referred to in [paragraph 4], open the procedure laid down in Article 15(3). ***If the Commission concludes that the undertaking was not able to demonstrate that the relevant core platform services it provides does not satisfy the requirements of paragraph 1, it shall designate the undertaking as gatekeeper in accordance with the procedure of Article 15(3).***
Article 3(4a)				
151b		***4a. Where the undertaking providing the core platform service fails to notify the Commission, to provide the information required in paragraph 3 or to provide within the deadline set by the Commission all the relevant information that is required to assess its designation as gatekeeper***		

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		pursuant to paragraphs (2) and (6), the Commission shall be entitled to designate that undertaking as a gatekeeper at any time based on information available to the Commission pursuant to paragraph 4.		
Article 3(5)				
152	5. The Commission is empowered to adopt delegated acts in accordance with Article 37 to specify the methodology for determining whether the quantitative thresholds laid down in paragraph 2 are met, and to regularly adjust it to market and technological developments where necessary, in particular as regards the threshold in paragraph 2, point (a).	5. The Commission is empowered to adopt delegated acts in accordance with Article 37 to specify the methodology for determining whether the quantitative thresholds laid down in paragraph 2 ***of this Article*** are met, and to regularly adjust ~~it~~***the methodology*** to market and technological developments where necessary~~, in particular as regards the threshold in paragraph 2, point (a)~~***. The Commission is empowered to adopt delegated acts in accordance with Article 37 to update the list of indicators set out in the***	5. The Commission is empowered to adopt delegated acts in accordance with Article 37 to ~~specify~~***supplement this Regulation by further specifying*** the methodology for determining whether the quantitative thresholds laid down in paragraph 2 are met~~,~~ and to regularly adjust ~~it~~***this methodology*** to market and technological developments where necessary~~, in particular as regards the threshold in paragraph 2, point (a)~~.	5. The Commission is empowered to adopt delegated acts in accordance with Article 37 to specify the methodology for determining whether the quantitative thresholds laid down in paragraph 2 ***of this Article*** are met, and to regularly adjust ~~it~~***the methodology*** to market and technological developments where necessary~~, in particular as regards the threshold in paragraph 2, point (a)~~***. The Commission is empowered to adopt delegated acts in accordance with Article 37 to update the methodology and the list of indicators***

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		Annex to this Regulation.		***set out in the Annex to this Regulation***.
Article 3(5a)				
152a			***5a. The Commission is empowered to adopt delegated acts in accordance with Article 37 to regularly adjust the methodology for measuring the number of monthly active end users and yearly active business users laid down in the Annex of this Regulation in view of the technological and other developments of the core platform services.***	
Article 3(6), introductory part				
153	6. The Commission may identify as a gatekeeper, in accordance with the procedure laid down in Article 15, any provider of core platform services that meets each of the requirements of paragraph 1, but does not satisfy each	6. -The Commission ~~*may*~~***shall*** identify as a gatekeeper, in accordance with the procedure laid down in Article 15, any ~~*provider of*~~***undertaking providing*** core platform services***, excluding Medium-sized, Small or***	6. -The Commission may ~~*identify*~~***designate*** as a gatekeeper, in accordance with the procedure laid down in Article 15, any ~~*provider of*~~***undertaking providing*** core platform services that meets each of the requirements of	6. -The Commission ~~*may identify*~~***shall designate*** as a gatekeeper, in accordance with the procedure laid down in Article 15, any ~~*provider of*~~***undertaking providing*** core platform services that meets each of the requirements of

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	of the thresholds of paragraph 2, or has presented sufficiently substantiated arguments in accordance with paragraph 4.	***Micro enterprises as defined in the Commission Recommendation 2003/361/EC,*** that meets each of the requirements of paragraph 1 ***of this Article***, but does not satisfy each of the thresholds of paragraph 2~~, or has presented sufficiently substantiated arguments in accordance with paragraph 4~~ ***of this Article***.	paragraph 1, but does not satisfy each of the thresholds of paragraph 2~~, or has presented sufficiently substantiated arguments in accordance with paragraph 4~~.	paragraph 1 ***of this Article***, but does not satisfy each of the thresholds of paragraph 2~~, or has presented sufficiently substantiated arguments in accordance with paragraph 4~~ ***of this Article***.
Article 3(6), first paragraph, introductory part				
154	For that purpose, the Commission shall take into account the following elements:	For that purpose, the Commission shall take into account the following elements:	-For that purpose, the Commission shall take into account ***some or all of*** the following elements***, insofar as relevant for the undertaking under consideration***:	-For that purpose, the Commission shall take into account ***some or all of*** the following elements***, insofar as relevant for the undertaking under consideration***:
Article 3(6), first paragraph, point (a)				
155	(a) the size, including turnover and market capitalisation, operations and position of the provider of core platform services;	(a) the size, including turnover and market capitalisation, operations and position of the ~~provider of~~***undertaking providing*** core platform services;	(a) the size, including turnover and market capitalisation, operations and position of the ~~provider of~~***undertaking providing*** core platform services;	(a) the size, including turnover and market capitalisation, operations and position of the ~~provider of~~***undertaking providing*** core platform services;

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Article 3(6), first paragraph, point (b)				
156	(b) the number of business users depending on the core platform service to reach end users and the number of end users;	(b) the number of business users depending on the core platform service to reach end users and the number of end users;	(b) the number of business users ~~*depending on*~~***using*** the core platform service to reach end users and the number of end users;	(b) the number of business users ~~*depending on*~~***using*** the core platform service to reach end users and the number of end users;
Article 3(6), first paragraph, point (c)				
157	(c) entry barriers derived from network effects and data driven advantages, in particular in relation to the provider's access to and collection of personal and non-personal data or analytics capabilities;	(c) entry barriers derived from network effects and data driven advantages, in particular in relation to the ~~*provider*~~***undertaking***'s access to and collection of personal and non-personal data or analytics capabilities;	(c) ~~*entry barriers derived from*~~ network effects and data driven advantages, in particular in relation to the ~~*provider*~~***undertaking***'s access to and collection of personal and non-personal data or analytics capabilities;	(c) ~~*entry barriers derived from*~~ network effects and data driven advantages, in particular in relation to the ~~*provider*~~***undertaking***'s access to and collection of personal and non-personal data or analytics capabilities;
Article 3(6), first paragraph, point (d)				
158	(d) scale and scope effects the provider benefits from, including with regard to data;	(d) scale and scope effects the ~~*provider*~~***undertaking*** benefits from, including with regard to data;	(d) scale and scope effects the ~~*provider*~~***undertaking*** benefits from, including with regard to data;	(d) scale and scope effects the ~~*provider*~~***undertaking*** benefits from, including with regard to data ***and including, where relevant, with regard to its activities outside the Union***;

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Article 3(6), first paragraph, point (e)				
159	(e) business user or end user lock-in;	(e) business user or end user lock-in;	(e) business user or end user lock-in***, including switching costs and behavioural bias reducing the ability of business users and end users to switch or multi-home***;	(e) business user or end user lock-in***, including switching costs and behavioural bias reducing the ability of business users and end users to switch or multi-home***;
Article 3(6), first paragraph, point (ea)				
159a		***(ea) the degree of multi-homing among business;***		
Article 3(6), first paragraph, point (ea)				
159b			***(ea) a conglomerate corporate structure or vertical integration of the undertaking providing core platform services, for instance allowing cross subsidisation or combination of data from different sources;***	
Article 3(6), first paragraph, point (eb)				
159c		***(eb) the ability of the undertaking to implement***		***(ec) a conglomerate corporate structure or***

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		conglomerate strategies, in particular through its vertical integration or its significant leverage in related markets;		***vertical integration of the undertaking providing core platform services, for instance providing these undertakings with the ability to cross subsidise, combine data from different sources or leverage their position;***
Article 3(6), first paragraph, point (f)				
160	(f) other structural market characteristics.	(f) other structural market characteristics.	(f) other structural ~~*market*~~***business or services*** characteristics.	(f) other structural ~~*market*~~***business or services*** characteristics.
Article 3(6), second paragraph				
161	In conducting its assessment, the Commission shall take into account foreseeable developments of these elements.	In conducting its assessment, the Commission shall take into account foreseeable developments of these elements ***including any planned concentrations involving another provider of core platform services or of any other services provided in the digital sector***.	In conducting its assessment, the Commission shall take into account foreseeable developments of these elements.	In conducting its assessment, the Commission shall take into account foreseeable developments of these elements ***including any planned concentrations involving another provider of core platform services or of any other services provided in the digital sector***.

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Article 3(6), third paragraph				
G	162	Where the provider of a core platform service that satisfies the quantitative thresholds of paragraph 2 fails to comply with the investigative measures ordered by the Commission in a significant manner and the failure persists after the provider has been invited to comply within a reasonable time-limit and to submit observations, the Commission shall be entitled to designate that provider as a gatekeeper.	*deleted*	*deleted*	~~*Where the provider of a core platform service that satisfies the quantitative thresholds of paragraph 2 fails to comply with the investigative measures ordered by the Commission in a significant manner and the failure persists after the provider has been invited to comply within a reasonable time-limit and to submit observations, the Commission shall be entitled to designate that provider as a gatekeeper.*~~ ***deleted***
Article 3(6), fourth paragraph				
Y	163	Where the provider of a core platform service that does not satisfy the quantitative thresholds of paragraph 2 fails to comply with the investigative measures ordered by the Commission in a significant manner and the failure persists after the	*deleted*	Where the ~~*provider of*~~ ***undertaking providing*** a core platform service that does not satisfy the quantitative thresholds of paragraph 2 fails to comply with the investigative measures ordered by the Commission in a significant manner and the failure	

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	provider has been invited to comply within a reasonable time-limit and to submit observations, the Commission shall be entitled to designate that provider as a gatekeeper based on facts available.		persists after the ~~*provider*~~***undertaking*** has been invited to comply within a reasonable time-limit and to submit observations, the Commission shall be entitled to designate that ~~*provider*~~***undertaking*** as a gatekeeper based on facts available.	
Article 3(7)				
164	7. For each gatekeeper identified pursuant to paragraph 4 or paragraph 6, the Commission shall identify the relevant undertaking to which it belongs and list the relevant core platform services that are provided within that same undertaking and which individually serve as an important gateway for business users to reach end users as referred to in paragraph 1(b).	7. For each ***undertaking designated as*** gatekeeper ~~*identified*~~ pursuant to paragraph 4 or paragraph 6, the Commission shall identify ~~*the relevant undertaking to which it belongs and list*~~***within the deadline set under paragraph 4*** the relevant core platform services that are provided within that same undertaking and which individually serve as an important gateway for business users to reach end users as referred to in paragraph 1(b).	7. For each ~~*gatekeeper identified*~~***undertaking designated as gatekeeper*** pursuant to paragraph 4 or paragraph 6, the Commission shall ~~*identify the relevant undertaking to which it belongs and list*~~***list in the designation decision*** the relevant core platform services that are provided within that same undertaking and which individually serve as an important gateway for business users to reach end users as referred to in paragraph ~~*1(b)*~~***1 point (b)***.	7. For each ~~*gatekeeper identified*~~***undertaking designated as gatekeeper*** pursuant to paragraph 4 or paragraph 6, the Commission shall ~~*identify the relevant undertaking to which it belongs and list*~~***list in the designation decision*** the relevant core platform services that are provided within that same undertaking and which individually serve as an important gateway for business users to reach end users as referred to in paragraph ~~*1(b)*~~***1 point (b)***.

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Article 3(8)				
R 165	8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 within six months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.	8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 ~~*within six*~~***as soon as possible, and in any case no later than four*** months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.	8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 within six months after a core platform service has been included in the ~~*list*~~***designation decision*** pursuant to paragraph 7 of this Article.	8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 within ***[four / six]***~~*six*~~ months after a core platform service has been included in the ~~*list*~~***designation decision*** pursuant to paragraph 7 of this Article. R
Article 4				
G 166	Article 4 Review of the status of gatekeepers	Article 4 Review of the status of gatekeepers	Article 4 Review of the status of gatekeepers	Article 4 Review of the status of gatekeepers G
Article 4(1), introductory part				
G 167	1. The Commission may upon request or its own initiative reconsider, amend or repeal at any moment a decision adopted pursuant to Article 3 for one of the following reasons:	1. The Commission may upon request or its own initiative reconsider, amend or repeal at any moment a decision adopted pursuant to Article 3 for one of the following reasons:	1. -The Commission may**,** upon request or ***on*** its own initiative reconsider, amend or repeal at any moment a decision adopted pursuant to Article 3 for one of the following reasons:	1. -The Commission may**,** upon request or ***on*** its own initiative reconsider, amend or repeal at any moment a decision adopted pursuant to Article 3 for one of the following reasons: G
Article 4(1), point (a)				

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168	(a) there has been a substantial change in any of the facts on which the decision was based;	(a) there has been a substantial change in any of the facts on which the decision was based;	(a) there has been a substantial change in any of the facts on which the decision was based;	(a) there has been a substantial change in any of the facts on which the decision was based;
Article 4(1), point (b)				
169	(b) the decision was based on incomplete, incorrect or misleading information provided by the undertakings.	(b) the decision was based on incomplete, incorrect or misleading information provided by the undertakings.	(b) the decision was based on incomplete, incorrect or misleading information ~~*provided by the undertakings*~~.	(b) the decision was based on incomplete, incorrect or misleading information ~~*provided by the undertakings*~~.
Article 4(2), introductory part				
170	2. The Commission shall regularly, and at least every 2 years, review whether the designated gatekeepers continue to satisfy the requirements laid down in Article 3(1), or whether new providers of core platform services satisfy those requirements. The regular review shall also examine whether the list of affected core platform services of the gatekeeper needs to be adjusted.	2. -The Commission shall regularly, and at least every ~~*2*~~***three*** years, review whether the designated gatekeepers continue to satisfy the requirements laid down in Article 3(1), ~~*or*~~***and at least every year*** whether new ~~*providers of*~~ core platform services satisfy those requirements. The regular review shall also examine whether the list of affected core platform services of the gatekeeper needs to be	2. -The Commission shall regularly, and at least every ~~*2*~~***4*** years, review whether the designated gatekeepers continue to satisfy the requirements laid down in Article 3(1), or whether new ~~*providers of*~~***undertakings providing*** core platform services satisfy those requirements. The regular review shall also examine whether the list of ~~*affected*~~ core platform services of the gatekeeper***, which***	2. -The Commission shall regularly, and at least every ~~*2*~~***three*** years, review whether the designated gatekeepers continue to satisfy the requirements laid down in Article 3(1), ~~*or*~~***and at least every year*** whether new ~~*providers of*~~***undertakings providing*** core platform services satisfy those requirements. The regular review shall also examine whether the list of ~~*affected*~~ core platform services of the

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		adjusted. ***The review shall have no suspending effect on the gatekeeper's obligations.***	***individually serve as an important gateway for business users to reach end users as referred to in Article 3(1) point (b),*** needs to be adjusted.	gatekeeper***, which individually serve as an important gateway as referred to in Article 3(1) point (b)*** needs to be adjusted. ***The review shall have no suspending effect on the gatekeeper's obligations.***
Article 4(2), first paragraph				
R	171	Where the Commission, on the basis of that review pursuant to the first subparagraph, finds that the facts on which the designation of the providers of core platform services as gatekeepers was based, have changed, it shall adopt a corresponding decision.	Where the Commission, on the basis of that review pursuant to the first subparagraph, finds that the facts on which the designation of the ~~providers of~~***undertakings providing*** core platform services as gatekeepers was based, have changed, it shall adopt a corresponding decision.	Where the Commission, on the basis of ~~that~~***the*** review pursuant to the first subparagraph, finds that the facts on which the designation of the ~~providers of~~***undertakings providing*** core platform services as gatekeepers was based, have changed, it shall adopt a ~~corresponding~~***decision, in accordance with the advisory procedure referred to in Article 37a(2), confirming, amending or repealing its previous*** decision ***designating the undertaking providing core platforms services as***	Where the Commission, on the basis of ~~that~~***the*** review pursuant to the first subparagraph, finds that the facts on which the designation of the ~~providers of~~***undertakings providing*** core platform services as gatekeepers was based, have changed, it shall adopt a ~~corresponding~~***decision, confirming, amending or repealing its previous*** decision ***designating the undertaking providing core platforms services as a gatekeeper***.	R

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			a gatekeeper.	
Article 4(3)				
172	3. The Commission shall publish and update the list of gatekeepers and the list of the core platform services for which they need to comply with the obligations laid down in Articles 5 and 6 on an on-going basis.	3. The Commission shall publish and update the list of ***undertakings designated as*** gatekeepers and the list of the core platform services for which they need to comply with the obligations laid down in Articles 5 and 6 on an on-going basis. ***The Commission shall publish an annual report setting out the findings of its monitoring activities including the impact on business-users especially small and medium-sized enterprises and end-users and present it to the European Parliament and the Council.***	3. The Commission shall publish and update ~~the~~***a*** list of gatekeepers and the list of the core platform services for which they need to comply with the obligations laid down in Articles 5 and 6 on an on-going basis.	3. The Commission shall publish and update ~~the~~***a*** list of ***undertakings designated as*** gatekeepers and the list of the core platform services for which they need to comply with the obligations laid down in Articles 5 and 6 on an on-going basis.
Chapter III				
173	Chapter III Practices of gatekeepers that limit contestability or are unfair	Chapter III Practices of gatekeepers that limit contestability or are unfair	Chapter III Practices of gatekeepers that limit contestability or are unfair	Chapter III Practices of gatekeepers that limit contestability or are unfair

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Article 5				
174	Article 5 Obligations for gatekeepers	Article 5 Obligations for gatekeepers	Article 5 Obligations for gatekeepers	Article 5 Obligations for gatekeepers
Article 5, first paragraph, introductory part				
175	In respect of each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall:	In respect of each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall:	-In respect of each of its core platform services identified ***in the designation decision*** pursuant to Article 3(7), a gatekeeper shall:	-In respect of each of its core platform services identified ***in the designation decision*** pursuant to Article 3(7), a gatekeeper shall:
Article 5, first paragraph, point (a)				
176	(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, unless the end user has been presented with the	(a) refrain from combining ***and cross-using*** personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, unless the end user has	(a) ~~*refrain from combining*~~***not combine*** personal data sourced from ***any of*** these core platform services with personal data from any ~~*other*~~***further core platform service or further*** services offered by the gatekeeper or with personal data from third-party services, and ~~*from signing*~~***not sign*** in end users to other services of the gatekeeper in order to	

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	specific choice and provided consent in the sense of Regulation (EU) 2016/679. ;	been presented with the specific choice ***in a explicit and clear manner, and has*** ~~and~~ provided consent in the sense of Regulation (EU) 2016/679~~.~~ ;	combine personal data, unless the end user has been presented with the specific choice and provided consent in the sense of ***Article 6(1) point (a) of*** Regulation (EU) 2016/679. ***The gatekeeper may also rely on the legal basis included under Article 6(1) points (c), (d) and (e) of Regulation (EU) 2016/679, where applicable***;	
Article 5, first paragraph, point (b)				
177	(b) allow business users to offer the same products or services to end users through third party online intermediation services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;	(b) ~~allow~~***refrain from applying contractual obligations that prevent*** business users ~~to offer~~***from offering*** the same products or services to end users through third party online intermediation services ***or through their own direct online sales channel*** at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;	(b) allow business users to offer the same products or services to end users through third party online intermediation services at prices or conditions that are different***, in particular more favourable than*** ~~from~~ those offered through the online intermediation services of the gatekeeper;	

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Article 5, first paragraph, point (c)				
178	(c) allow business users to promote offers to end users acquired via the core platform service, and to conclude contracts with these end users regardless of whether for that purpose they use the core platform services of the gatekeeper or not, and allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;	(c) allow business users to ***communicate and*** promote offers ***including under different purchasing conditions*** to end users acquired via the core platform service ***or through other channels***, and to conclude contracts with these end users ~~*regardless of whether for that purpose they use the core platform services of the gatekeeper or not, and allow end users to access and use, through the core platform*~~***or receive payments for*** services ~~*of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant business user without using*~~***provided regardless of whether they use for that purpose*** the core platform services of the gatekeeper;	(c) allow business users to ***communicate and*** promote offers ***including under different conditions*** to end users acquired via the core platform service ***or through other channels***, and to conclude contracts with these end users regardless of whether for that purpose they use the core platform services of the gatekeeper or not~~*, and allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;*~~**;**	

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Article 5, first paragraph, point (ca)				
178a		***(ca) allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, including where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper, unless the gatekeeper can demonstrate that such access undermines end users data protection or cybersecurity;***		***(ca) allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, including where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;***
Article 5, first paragraph, point (ca)				
178b			***(ca) allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a***	

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			business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;	
Article 5, first paragraph, point (d)				
179	(d) refrain from preventing or restricting business users from raising issues with any relevant public authority relating to any practice of gatekeepers;	(d) refrain from ***directly or indirectly*** preventing or restricting business users ***or end users*** from raising issues with any relevant public authority***, including national courts,*** relating to any practice of gatekeepers;	(d) refrain from preventing or restricting business users ***and end users*** from raising ~~issues~~***any issue of non-compliance with the relevant Union or national law by the gatekeeper*** with any relevant public authority***, including national courts,*** relating to any practice of gatekeepers***. This is without prejudice to the right of business users and gatekeepers to lay down in their agreements the terms of use of lawful complaint-handling mechanisms***;	
Article 5, first paragraph, point (e)				
180	(e) refrain from requiring	(e) refrain from requiring	(e) refrain from requiring	

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	business users to use, offer or interoperate with an identification service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;	business users to use, offer or interoperate with an identification service ***or any other ancillary service*** of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;	business users ***or end users*** to use, ***and in the case of business users, also to*** offer or interoperate with, an identification ***or payment*** service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;	
Article 5, first paragraph, point (f)				
181	(f) refrain from requiring business users or end users to subscribe to or register with any other core platform services identified pursuant to Article 3 or which meets the thresholds in Article 3(2)(b) as a condition to access, sign up or register to any of their core platform services identified pursuant to that Article;	(f) ~~*refrain from requiring*~~***not require*** business users or end users to subscribe to or register with any other core platform services ~~*identified pursuant to Article 3 or which meets the thresholds in Article 3(2)(b) as a condition to*~~***as a condition for being able to use,*** access, sign up ***for or registering with*** ~~*or register to*~~ any of their core platform services identified pursuant to that Article;	(f) refrain from requiring business users or end users to subscribe to or register with any ~~*other*~~***further*** core platform services identified pursuant to Article 3 or which meets the thresholds in Article ~~*3(2)(b)*~~***3(2) point (b)*** as a condition to access, sign up or register to any of their core platform services identified pursuant to that Article;	
Article 5, first paragraph, point (g)				

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R 182	(g) provide advertisers and publishers to which it supplies advertising services, upon their request, with information concerning the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.	(g) provide advertisers and publishers ~~*to which it supplies advertising services, upon their request, with information concerning the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.*~~ ***or third parties authorised by the advertisers or publishers, to which it supplies digital advertising services, with free of charge, high-quality, effective, continuous and real-time access to full information on the visibility and availability of advertisement portfolio, including:***	(g) provide advertisers and publishers to which it supplies advertising services, upon their request, ***free of charge and within one month following the request,*** with information concerning the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.	R
Article 5, first paragraph, point (g)(i)				
R 182a		***i the pricing conditions concerning the bids placed***		R

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		by advertisers and advertising intermediaries;		
Article 5, first paragraph, point (g)(ii)				
182b		***ii the price-setting mechanisms and schemes for the calculation of the fees including the non-price criteria in the auction process;***		
Article 5, first paragraph, point (g)(iii)				
182c		***iii the price and fees paid by the advertiser and publisher, including any deductions and surcharges;***		
Article 5, first paragraph, point (g)(iv)				
182d		***iv the amount and remuneration paid to the publisher, for the publishing of a given advertisement; and***		
Article 5, first paragraph, point (g)(v)				
182e				

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		v the amount and remuneration paid to the publisher for each of the relevant advertising services provided by the gatekeeper.		
Article 5, first paragraph, point (ga)				
182f		***(ga) refrain from using, in competition with business users, any data not publicly available, which is generated through or in the context of the use of the relevant core platform services or ancillary services by those business users including by the end users of these business users of its core platform services or ancillary services or provided by those business users of its core platform services or ancillary services or by the end users of these business users;***		
Article 5, first paragraph, point (gb)				
182g		***(gb) from the moment of***		

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		end users' first use of any pre-installed core platform service on an operating system, prompt end-users to change the default settings for that core platform service to another option from among a list of the main third-party services available, and allow and technically enable end users to un-install pre-installed software applications on a core platform service at any stage without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;		
Article 6				
183	Article 6 Obligations for gatekeepers	Article 6 Obligations for gatekeepers	Article 6 Obligations for gatekeepers	Article 6 Obligations for gatekeepers

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	susceptible of being further specified	susceptible of being further specified	susceptible of being further specified ***under Article 7***	susceptible of being further specified ***under Article 7***
Article 6(1), introductory part				
184	1. In respect of each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall:	1. In respect of each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall:	1. In respect of each of its core platform services identified ***in the designation decision*** pursuant to Article 3(7), a gatekeeper shall:	1. In respect of each of its core platform services identified ***in the designation decision*** pursuant to Article 3(7), a gatekeeper shall:
Article 6(1), point (a)				
185	(a) refrain from using, in competition with business users, any data not publicly available, which is generated through activities by those business users, including by the end users of these business users, of its core platform services or provided by those business users of its core platform services or by the end users of these business users;	*deleted*	(a) refrain from using, in competition with business users, any data not publicly available, which is generated ~~*through activities*~~***in the context of the use of the relevant core platform services or ancillary services*** by those business users, including by the end users of these business users, of its core platform services or ***ancillary services or*** provided by those business users of its core platform ***services or ancillary*** services or by the end users	

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			of these business users;	
Article 6(1), point (aa)				
185a		***(aa) for its own commercial purposes, and the placement of third-party advertising in its own services, refrain from combining personal data for the purpose of delivering targeted or micro-targeted advertising, except if a clear, explicit, renewed, informed consent has been given to the gatekeeper in line with the procedure laid down in the Regulation (EU) 2016/679 by an end-user that is not a minor.***		
Article 6(1), point (b)				
186	(b) allow end users to un-install any pre-installed software applications on its core platform service without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to	*deleted*	(b) allow ***and technically enable*** end users to un-install any ~~*pre-installed*~~***software applications on an operating system the gatekeeper provides or effectively controls as***	

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	software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;		***easily as any*** software ~~*applications on its core platform service*~~***application installed by the end user at any stage, and to change default settings on an operating system that direct or steer end users to products or services offered by the gatekeeper,*** without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;	
Article 6(1), point (c)				
R 187	(c) allow the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or	(c) allow ***and technically enable*** the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications	(c) allow ***and technically enable*** the installation and effective use ***and interoperability*** of third party software applications or software application stores using, or interoperating with, operating systems of that	R

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	software application stores to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking proportionate measures to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper;	or software application stores to be accessed by means other than the ***relevant*** core platform services of that gatekeeper. The gatekeeper shall***, where relevant, ask the end users to decide whether they want to make the downloaded application or application store their default setting. The gatekeeper shall*** not be prevented from taking ***measures that are both necessary and*** proportionate ~~*measures*~~ to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided ***by the gatekeeper or undermine end-user data protection or cyber security provided that such necessary and proportionate measures are duly justified*** by the gatekeeper;	gatekeeper and allow these software applications or software application stores to be accessed by means other than the ***relevant*** core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking ***to the extent strictly necessary and*** proportionate measures to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper***, provided that such proportionate measures are duly justified by the gatekeeper. The gatekeeper shall furthermore not be prevented from taking to the extent strictly necessary and proportionate measures enabling end users to protect security in relation to third party software applications or software application stores***;	

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Article 6(1), point (d)				
R	188	(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking;	(d) ~~*refrain from treating*~~***not treat*** more favourably in ranking ***or other settings,*** services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply ***transparent,*** fair and non-discriminatory conditions to such ~~*ranking*~~***third party services or products***;	(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself ~~*or by any third party belonging to the same undertaking*~~ compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking;	R
Article 6(1), point (e)				
R	189	(e) refrain from technically restricting the ability of end users to switch between and subscribe to different software applications and services to be accessed using the operating system of the gatekeeper, including as regards the choice of Internet access provider for end users;	(e) ~~*refrain from*~~***not restrict*** technically ~~*restricting*~~***or otherwise*** the ability of end users to switch between and subscribe to different software applications and services ~~*to be accessed using the operating system of the gatekeeper*~~, including as regards the choice of Internet access provider for end users;	(e) refrain from technically ***or otherwise*** restricting the ability of end users to switch between and subscribe to different software applications and services to be accessed using the operating system of the gatekeeper, including as regards the choice of Internet access ~~*provider*~~***service*** for end	R

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			users;	
Article 6(1), point (ea)				
189a		***(ea) refrain from practices that obstruct the possibility for the end-user to unsubscribe from a core platform service;***		
Article 6(1), point (f)				
190	(f) allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services;	(f) allow business users***,*** ***providers of services*** and providers of ***hardware free of charge access to and interoperability with the same hardware and software features accessed or controlled via an operating system, provided that the operating system is identified pursuant to Article 3(7), that are available to services or hardware provided by the gatekeeper. Providers of*** ancillary services ***shall further be allowed*** access to and interoperability with the same operating system, hardware or ***software***	(f) allow business users and ~~*providers of*~~***undertakings providing*** ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services***. In these cases, access and interoperability conditions shall be fair, reasonable and non-discriminatory. The gatekeeper shall not degrade the conditions or quality of access and interoperability provided to business users or***	

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		features, regardless of whether those software features ***are part of an operating system,*** that are available ~~*or used in the provision*~~***to ancillary services provided by a gatekeeper. The gatekeeper shall not be prevented from taking indispensable measures to ensure that interoperability does not compromise the integrity of the operating system, hardware or software features provided*** by the gatekeeper ~~*of any ancillary services;*~~***or undermine end-user data protection or cyber security provided that such indispensable measures are duly justified by the gatekeeper.***	***undertakings providing ancillary services. The gatekeeper shall not be prevented from taking to the extent strictly necessary and proportionate measures to ensure that third party ancillary services do not endanger the integrity of the operating system, hardware or software features provided by the gatekeeper, provided that such proportionate measures are duly justified by the gatekeeper***;	
Article 6(1), point (fa)				
R 190a		***(fa) allow any providers of number independent interpersonal communication services upon their request and free of charge to interconnect***		R

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		with the gatekeepers number independent interpersonal communication services identified pursuant to Article 3(7). Interconnection shall be provided under objectively the same conditions and quality that are available or used by the gatekeeper, its subsidiaries or its partners, thus allowing for a functional interaction with these services, while guaranteeing a high level of security and personal data protection;		
Article 6(1), point (fb)				
R 190b		***(fb) allow any providers of social network services upon their request and free of charge to interconnect with the gatekeepers social network services identified pursuant to Article 3(7). Interconnection shall be provided under objectively the same conditions and quality that are available or used by the gatekeeper,***		R

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		its subsidiaries or its partners, thus allowing for a functional interaction with these services, while guaranteeing a high level of security and personal data protection. The implementation of this obligation is subjected to the Commission's specification under Article 10(2a);		
Article 6(1), point (g)				
191	(g) provide advertisers and publishers, upon their request and free of charge, with access to the performance measuring tools of the gatekeeper and the information necessary for advertisers and publishers to carry out their own independent verification of the ad inventory;	(g) provide advertisers and publishers, ***and third parties authorised by advertisers and publishers*** upon their request and free of charge, with access to the performance measuring tools of the gatekeeper and the information necessary for advertisers and publishers to carry out their own independent verification of the ad inventory ***including aggregated and non-aggregated data and performance data in a manner that would allow***	(g) provide advertisers and publishers, ***or third parties authorised by advertisers and publishers,*** upon their request and free of charge, with access to the performance measuring tools of the gatekeeper and the information necessary for advertisers and publishers to carry out their own independent verification of the ad inventory***, including aggregated data***;	

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		advertisers and publishers to run their own verification and measurement tools to assess performance of the core services provided for by the gatekeepers;		
Article 6(1), point (h)				
192	(h) provide effective portability of data generated through the activity of a business user or end user and shall, in particular, provide tools for end users to facilitate the exercise of data portability, in line with Regulation EU 2016/679, including by the provision of continuous and real-time access ;	(h) provide ***end users or third parties authorised by an end user, upon their request and free of charge, with*** effective portability of data ***provided by the end user or*** generated through ***their activity in the context of the use on the relevant core platform service including by providing free of charge tools*** ~~*the activity of a business user or end user and shall, in particular, provide tools for end users*~~ to facilitate the ***effective*** exercise of ***such*** data portability, in line with Regulation ***(EU) 2016/679, and*** ~~*EU 2016/679,*~~ including by the provision of continuous and real-time access~~-~~;	(h) provide ***end users, or third parties authorised by an end user, upon their request and free of charge, with*** effective portability of data generated through ~~*the*~~***their*** activity ***in the context of the use of the relevant core platform services,*** ~~*of a business user or end user*~~ and shall, in particular, provide ~~*tools for end users*~~***free of charge tools*** to facilitate the ***effective*** exercise of ***such*** data portability, in line with Regulation ***(EU)*** ~~*EU*~~ 2016/679, including by the provision of continuous and real-time access~~-~~;	

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Article 6(1), point (i)				
193	(i) provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of aggregated or non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679; ;	(i) provide business users, or third parties authorised by a business user, ***upon their request,*** free of charge, with ~~*effective, high-quality,*~~ continuous and real-time access and use of aggregated ~~*or*~~***and*** non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services ***or ancillary services offered by the gatekeeper*** by those business users and the end users engaging with the products or services provided by those business users; ***this shall include, at the request of the business user, the possibility and necessary tools to access and analyse data "in-situ" without a transfer from the gatekeeper; for*** ~~*for*~~ personal data, provide access and use only where directly connected with the use effectuated by the end	(i) provide business users, or third parties authorised by a business user, ***upon their request,*** free of charge, with effective, high-quality, continuous and real-time access and use of aggregated or non-aggregated ***data, including personal*** data, that is provided for or generated in the context of the use of the relevant core platform services ***or ancillary services*** by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide access and use only where ***the data are*** directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such	

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		user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679;	sharing ~~*with a consent in the sense of the Regulation (EU) 2016/679;*~~ ***by giving their consent***;	
Article 6(1), point (j)				
R	194	(j) provide to any third party providers of online search engines, upon their request, with access on fair, reasonable and non-discriminatory terms to ranking, query, click and view data in relation to free and paid search generated by end users on online search engines of the gatekeeper, subject to anonymisation for the query, click and view data that constitutes personal data;	(j) provide to any third party ~~*providers of*~~***undertaking providing*** online search engines, upon their request, with access on fair, reasonable and non-discriminatory terms to ranking, query, click and view data in relation to free and paid search generated by end users on online search engines of the gatekeeper, subject to anonymisation for the query, click and view data that constitutes personal data~~;~~**.**	R
Article 6(1), point (k)				

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195	(k) apply fair and non-discriminatory general conditions of access for business users to its software application store designated pursuant to Article 3 of this Regulation.	(k) apply ***transparent, fair, reasonable*** ~~*fair*~~ and non-discriminatory general conditions of access ***and conditions that are not less favourable than the conditions applied to its own service*** for business users to its ~~*software application store*~~***core platform services*** designated pursuant to Article 3 of this Regulation.	(k) apply fair***, reasonable*** and non-discriminatory general conditions of access for business users to its software application store designated pursuant to Article 3 of this Regulation.	
Article 6(1), point (ka)				
195a			***(ka) refrain from making conditions of termination from a core platform service disproportionate and ensure that such conditions of termination can be exercised without undue difficulty.***	
Article 6(2)				
196	2. For the purposes of point (a) of paragraph 1 data that is not publicly available shall include any	2. ***Article 5 – paragraph 2*** ***2.*** For the purposes of point ~~*(a)*~~***(g a)*** of	2. For the purposes of point (a) of paragraph 1 data that is not publicly available shall include any	

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	aggregated and non-aggregated data generated by business users that can be inferred from, or collected through, the commercial activities of business users or their customers on the core platform service of the gatekeeper.	paragraph 1 data that is not publicly available shall include any aggregated and non-aggregated data generated by business users that can be inferred from, or collected through, the commercial activities of business users or their customers on the core platform service ***or ancillary services*** of the gatekeeper.	aggregated and non-aggregated data generated by business users that can be inferred from, or collected through, the commercial activities of business users or their customers on the core platform service of the gatekeeper.	
Article 6(2a)				
196a			***2a. Where appropriate, the Commission may adopt a delegated act pursuant to Article 10 to extend one or more of the obligations listed in paragraph 1 to other core platform services listed in Article 2 point (2).***	
Article 7				
197	Article 7 Compliance with obligations for gatekeepers	Article 7 Compliance with obligations for gatekeepers	Article 7 Compliance with obligations for gatekeepers	Article 7 Compliance with obligations for gatekeepers

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Article 7(1)				
198	1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.	1. The ~~measures implemented by the gatekeeper~~**gatekeeper shall implement effective measures** to ensure **its** compliance with the obligations laid down in Articles 5 and 6**, and** shall ~~be effective in achieving the objective of the relevant obligation~~**demonstrate that compliance, when called upon to do so**. The gatekeeper shall ensure that ~~these~~**the** measures ~~are implemented in compliance~~**that it implements comply** with Regulation (EU) 2016/679**, and** ~~and~~ Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety **as well as with accessibility requirements for the persons with disabilities in accordance with Directive (EU) 2019/882**.	1. **The gatekeeper shall ensure and demonstrate compliance with the obligations laid down in Articles 5 and 6.** The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. The gatekeeper shall ensure that these measures are implemented in compliance with **applicable law, in particular** Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.	1. **The gatekeeper shall ensure and demonstrate compliance with the obligations laid down in Articles 5 and 6.** The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the ~~objective of~~ **objectives of this Regulation and** the relevant obligation. The gatekeeper shall ensure that these measures are implemented in compliance with **applicable law, in particular** Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection~~ and~~**,** product safety **as well as with accessibility requirements**.

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Article 7(1a)				
198a		***1a. Within six months after its designation and in application of paragraph 8 of Article 3, the gatekeeper shall provide the Commission with a report describing in a detailed and transparent manner the measures implemented to ensure compliance with the obligations laid down in Articles 5 and 6. This report shall be updated at least annually.***		
Article 7(1b)				
198b		***1b. Along with the report mentioned in paragraph 1a and within the same timeframe, the gatekeeper shall provide the Commission with a non-confidential summary of its report that will be published by the Commission without delay. The non-confidential summary shall be updated at least annually according***		

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		to the detailed report. ***In order to comply with the obligations laid down in Article 6 and where the gatekeeper holds reasonable doubt as to the appropriate method or methods of compliance, the gatekeeper may request that the Commission engage in a process to receive and address requests for clarification and thereafter further specify relevant measures that the gatekeeper shall adopt in order to comply in an effective and proportionate manner with those obligations. Further specification of obligations laid down in Article 6 shall be limited to issues relating to ensuring effective and proportionate compliance with the obligations. When doing so, the Commission may decide to consult third parties whose views it considers necessary in relation to the measures that the gatekeeper is***		

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		expected to implement. The duration of the process shall not extend beyond the period set out in Article 3(8), with the possibility for an extension of two months, at the discretion of the Commission, should the dialogue process have not been concluded prior to the expiry of the said period. ***The Commission shall retain discretion in deciding whether to engage in such a process, with due regard to principles of equal treatment, proportionality and due process. Where the Commission decides not to engage in such a process, it shall provide a written justification to the relevant gatekeeper. At the end of this process, the Commission may also by decision specify the measures that the gatekeeper concerned is to implement arising from***		

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		the conclusion of this process set out in paragraph 1b.		
Article 7(2)				
199	2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.	2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned ~~shall~~***is to*** implement. The Commission shall adopt such a decision ~~within six~~***as soon as possible and in any event no later than four*** months ~~from~~***after*** the opening of proceedings pursuant to Article 18.	2. ~~Where~~ The Commission ~~finds that the measures that the~~***may on its own initiative or upon request by a*** gatekeeper ~~intends to implement~~***pursuant to paragraph 2a open proceedings*** pursuant to ~~paragraph 1, or has implemented, do not ensure effective compliance~~***Article 18 and by a decision adopted in accordance*** with the ~~relevant obligations laid down~~***advisory procedure referred to*** in Article ~~6, it may by decision~~***37a(2)*** specify the measures that the gatekeeper concerned shall implement ***in order to effectively comply with the obligations laid down in Article 6 and in a case of circumvention pursuant to Article 11(4) for the obligations laid down in***	2. ~~Where~~ The Commission ~~finds that the measures that the gatekeeper intends to implement~~***may, on its own initiative or upon request by a gatekeeper*** pursuant to paragraph ~~1, or has implemented, do not ensure effective compliance~~***2a, open proceedings pursuant to Article 18 and by a decision [adopted in accordance*** with the ~~relevant~~***advisory procedure referred to in Article 37a(2)] specify the measures that the gatekeeper concerned shall implement in order to effectively comply with the*** obligations laid down in Article 6~~, it may by~~***. When opening proceedings on its own initiative in a case of circumvention pursuant to Article [6a/11] such*** decision ~~specify the~~

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			Articles 5 and 6. The Commission shall adopt ~~*such*~~ a decision ***pursuant to this paragraph*** within six months from the opening of proceedings pursuant to Article 18.	~~*measures that the gatekeeper concerned shall implement*~~***may concern the obligations laid down in Articles 5 and 6***. The Commission shall adopt ~~*such*~~ a decision ***pursuant to this paragraph*** within six months from the opening of proceedings pursuant to Article 18.
Article 7(2a), introductory part				
G 199a			***2a. The gatekeeper may request the Commission to engage in a dialogue to determine whether the measures that the gatekeeper intends to implement or has implemented to ensure compliance with Article 6 are effective in achieving the objective of the relevant obligation in the specific circumstances of the gatekeeper.***	***2a. A gatekeeper may request the Commission to engage in a process to determine whether the measures that the gatekeeper intends to implement or has implemented to ensure compliance with Article 6 are effective in achieving the objective of the relevant obligation in the specific circumstances of the gatekeeper. The Commission shall have discretion in deciding whether to engage in such a process respecting the*** G

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				principles of equal treatment, proportionality and good administration. ***In its request, the gatekeeper shall provide a reasoned submission to explain the measures that it intends to implement or has implemented. The gatekeeper shall furthermore provide a non-confidential version of its reasoned submission that may be shared with third parties pursuant to paragraph 4a.***
Article 7(2a), first paragraph				
199b			***The Commission shall have discretion in deciding whether to engage in such a dialogue respecting equal treatment, proportionality and the principle of good administration.***	
Article 7(2a), second paragraph				
199c			***A gatekeeper shall, with***	

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			its request, provide a reasoned submission to explain in particular why the measures that it intends to implement or has implemented are effective in achieving the objective of the relevant obligation in the specific circumstances.	
Article 7(2b)				
199d			***2b. In proceedings under paragraph 2, the Commission may decide to invite interested third parties to submit their observations in relation to the measures that the gatekeeper shall implement.***	
Article 7(3)				
200	3. Paragraph 2 of this Article is without prejudice to the powers of the Commission under Articles 25, 26 and 27.	3. Paragraph 2 of this Article is without prejudice to the powers of the Commission under Articles 25, 26 and 27.	3. ~~*Paragraph 2*~~ ***Paragraphs 2 and 2a*** of this Article ~~*is*~~***are*** without prejudice to the powers of the Commission under Articles 25, 26 and 27.	3. ~~*Paragraph 2*~~ ***Paragraphs 2 and 2a*** of this Article ~~*is*~~***are*** without prejudice to the powers of the Commission under Articles 25, 26 and 27.

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Article 7(4)				
201	4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within three months from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings.	4. ~~*In view of*~~***With a view to*** adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings ~~*within three*~~***and publish a concise summary as soon as possible and, in any event no later than two*** months from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures ***that it is considering taking or that*** ~~*it considers to take or*~~ it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings. ***The Commission may decide to invite interested third parties to submit their observations within a time limit, which is fixed by the Commission in its publication. When publishing, due regard shall be given by the***	4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within three months from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the ~~*provider of core platform services*~~***gatekeeper*** concerned should take in order to effectively address the preliminary findings. ***Interested third parties may be invited to provide comments on the main elements of the preliminary findings within a timeframe which is determined by the Commission.***	4. ~~*In*~~***With a*** view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings ***to the gatekeeper*** within three months from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures ***that it is considering taking or that*** ~~*it considers to take or*~~ it considers ~~*that the provider of core platform services*~~***the gatekeeper*** concerned should take in order to effectively address the preliminary findings.

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		Commission to the legitimate interest of undertakings in the protection of their business secrets.		
Article 7(4a)				
201a				***4a. In order to effectively enable interested third parties to provide comments, the Commission shall at the same time as communicating its preliminary findings to the gatekeeper pursuant to paragraph 4 or as soon as possible thereafter publish a non-confidential summary of the case and measures that it is considering taking or that it considers the gatekeeper concerned should take. The Commission shall specify a reasonable timeframe within which such comments can be provided. Due regard shall be given by the Commission to the legitimate interest of***

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				undertakings in the protection of their business secrets and other confidential information.
Article 7(5)				
202	5. In specifying the measures under paragraph 2, the Commission shall ensure that the measures are effective in achieving the objectives of the relevant obligation and proportionate in the specific circumstances of the gatekeeper and the relevant service.	5. In specifying the measures under paragraph 2, the Commission shall ensure that the measures are effective in achieving the objectives of the relevant obligation and proportionate in the specific circumstances of the gatekeeper and the relevant service.	5. In specifying the measures under paragraph 2, the Commission shall ensure that the measures are effective in achieving the objectives of the relevant obligation and proportionate in the specific circumstances of the gatekeeper and the relevant service.	5. In specifying the measures under paragraph 2, the Commission shall ensure that the measures are effective in achieving the objectives of ***this Regulation and*** the relevant obligation and proportionate in the specific circumstances of the gatekeeper and the relevant service.
Article 7(6)				
203	6. For the purposes of specifying the obligations under Article 6(1) points (j) and (k), the Commission shall also assess whether the intended or implemented measures ensure that there is no remaining imbalance of	6. For the purposes of specifying the obligations under Article 6(1) points (j) and (k), the Commission shall also assess whether the intended or implemented measures ensure that there is no remaining imbalance of	6. For the purposes of specifying the obligations under Article 6(1) points (j) and (k), the Commission shall also assess whether the intended or implemented measures ensure that there is no remaining imbalance of	6. For the purposes of specifying the obligations under Article 6(1) points (j) and (k), the Commission shall also assess whether the intended or implemented measures ensure that there is no remaining imbalance of

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	rights and obligations on business users and that the measures do not themselves confer an advantage on the gatekeeper which is disproportionate to the service provided by the gatekeeper to business users.	rights and obligations on business users and that the measures do not themselves confer an advantage on the gatekeeper which is disproportionate to the service provided by the gatekeeper to business users.	rights and obligations on business users and that the measures do not themselves confer an advantage on the gatekeeper which is disproportionate to the service provided by the gatekeeper to business users.	rights and obligations on business users and that the measures do not themselves confer an advantage on the gatekeeper which is disproportionate to the service provided by the gatekeeper to business users.
Article 7(6a)				
203a				***6a. The Commission may, upon request or on its own initiative, reopen proceedings carried out pursuant to paragraph 2 where:*** ***(a) there has been a material change in any of the facts on which the decision was based; or*** ***(b) the decision was based on incomplete, incorrect or misleading information; or*** ***(c) the measures as specified in the decision are not effective.***
Article 7(7)				
204	7. A gatekeeper may	7. A gatekeeper may		7. ~~*A gatekeeper may*~~

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	request the opening of proceedings pursuant to Article 18 for the Commission to determine whether the measures that the gatekeeper intends to implement or has implemented under Article 6 are effective in achieving the objective of the relevant obligation in the specific circumstances. A gatekeeper may, with its request, provide a reasoned submission to explain in particular why the measures that it intends to implement or has implemented are effective in achieving the objective of the relevant obligation in the specific circumstances.	request ***within the implementation deadline of Article 3 (8)*** the opening of proceedings pursuant to Article 18 for the Commission to determine whether the measures that the gatekeeper intends to implement or has implemented under Article 6 are effective in achieving the objective of the relevant obligation in the specific circumstances. ~~*A gatekeeper may, with its request.*~~***In its request, the gatekeeper shall*** provide a reasoned submission to explain in particular why the measures that it intends to implement or has implemented are effective in achieving the objective of the relevant obligation in the specific circumstances. ***The Commission shall adopt its decision within six months from the opening of proceedings pursuant to Article 18.***	*deleted*	~~*request the opening of proceedings pursuant to Article 18 for the Commission to determine whether the measures that the gatekeeper intends to implement or has implemented under Article 6 are effective in achieving the objective of the relevant obligation in the specific circumstances. A gatekeeper may, with its request, provide a reasoned submission to explain in particular why the measures that it intends to implement or has implemented are effective in achieving the objective of the relevant obligation in the specific circumstances.*~~ ***(deleted)***
Article 8				
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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 8 Suspension	Article 8 Suspension	Article 8 Suspension	Article 8 Suspension
Article 8(1)				
206	1. The Commission may, on a reasoned request by the gatekeeper, exceptionally suspend, in whole or in part, a specific obligation laid down in Articles 5 and 6 for a core platform service by decision adopted in accordance with the advisory procedure referred to in Article 32(4), where the gatekeeper demonstrates that compliance with that specific obligation would endanger, due to exceptional circumstances beyond the control of the gatekeeper, the economic viability of the operation of the gatekeeper in the Union, and only to the extent necessary to address such threat to its viability. The Commission shall aim to adopt the suspension decision without delay and	1. The Commission may, on a reasoned request by the gatekeeper, ~~exceptionally~~ suspend, ***on an exceptional basis,*** in whole or in part, a specific obligation laid down in Articles 5 and 6 for a core platform ~~service~~ ~~by~~***serviceby*** decision adopted in accordance with the advisory procedure referred to in Article 32(4), where the gatekeeper demonstrates that compliance with that specific obligation would endanger, due to exceptional circumstances beyond the control of the gatekeeper, the economic viability of the operation of the gatekeeper in the Union, and only to the extent necessary to address such threat to its viability. The Commission shall aim to adopt the suspension	1. The Commission may, ***acting*** on a reasoned request by the gatekeeper, exceptionally suspend, in whole or in part, a specific obligation laid down in Articles 5 and 6 for a core platform service ***identified pursuant to Article 3(7)*** by decision adopted in accordance with the advisory procedure referred to in Article ~~32(4)~~***37a(2)***, where the gatekeeper demonstrates that compliance with that specific obligation would endanger, due to exceptional circumstances beyond the control of the gatekeeper, the economic viability of the operation of the gatekeeper in the Union, and only to the extent ***and duration*** necessary to address such threat to its viability. ***In its suspension decision the***	1. ***I.*** The Commission may, ***acting*** on a reasoned request by the gatekeeper, exceptionally suspend, in whole or in part, a specific obligation laid down in Articles 5 and 6 for a core platform service ***identified pursuant to Article 3(7) by substantiated*** ~~by~~ decision adopted in accordance with the advisory procedure referred to in Article ~~32(4)~~***[...]***, where the gatekeeper demonstrates that compliance with that specific obligation would endanger, due to exceptional circumstances beyond the control of the gatekeeper, the economic viability of the operation of the gatekeeper in the Union, and only to the extent ***and duration*** necessary to address such threat to its viability. ***In its suspension decision, the***

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	at the latest 3 months following receipt of a complete reasoned request.	decision without delay and at the latest ~~3~~***within three*** months ~~*following*~~***after*** receipt of a complete reasoned request. ***The suspension decision shall be accompanied by a reasoned statement explaining the grounds for the suspension.***	***Commission can specify intervals of less than one year at which the decision shall be reviewed in accordance with paragraph 2.*** The Commission shall aim to adopt the suspension decision without delay and at the latest 3 months following receipt of a complete reasoned request.	***Commission shall identify the exceptional circumstances justifying the suspension and may specify intervals of less than one year at which the decision shall be reviewed in accordance with paragraph 2.*** The Commission shall aim to adopt the suspension decision without delay and at the latest 3 months following receipt of a complete reasoned request~~.~~
Article 8(2)				
207	2. Where the suspension is granted pursuant to paragraph 1, the Commission shall review its suspension decision every year. Following such a review the Commission shall either lift the suspension or decide that the conditions of paragraph 1 continue to be met.	2. Where ~~*the*~~ suspension is granted pursuant to paragraph 1, the Commission shall review its suspension decision every year. Following such a review the Commission shall either ***wholly or partly*** lift the suspension or decide that the conditions of paragraph 1 continue to be met.	2. Where the suspension is granted pursuant to paragraph 1, the Commission shall review its suspension decision ***at least*** every year. Following such a review the Commission shall either ***wholly or partially*** lift the suspension or decide that the conditions of paragraph 1 continue to be met.	2. Where ~~*the*~~ suspension is granted pursuant to paragraph 1, the Commission shall review its suspension decision every year. Following such a review the Commission shall either ***wholly or partly*** lift the suspension or decide that the conditions of paragraph 1 continue to be met.
Article 8(3), introductory part				

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208	3. The Commission may, acting on a reasoned request by a gatekeeper, provisionally suspend the application of the relevant obligation to one or more individual core platform services already prior to the decision pursuant to paragraph 1.	3. ***In cases of urgency,*** the Commission may, acting on a reasoned request by a gatekeeper, provisionally suspend the application of the relevant obligation to one or more individual core platform services already prior to the decision pursuant to paragraph 1.	3. ***In cases of urgency,*** the Commission may, acting on a reasoned request by a gatekeeper, provisionally suspend the application of the relevant obligation to one or more individual core platform services already prior to the decision pursuant to paragraph 1.	3. ***In cases of urgency,*** the Commission may, acting on a reasoned request by a gatekeeper, provisionally suspend the application of the relevant obligation to one or more individual core platform services already prior to the decision pursuant to paragraph 1.
Article 8(3), first paragraph				
209	In assessing the request, the Commission shall take into account, in particular, the impact of the compliance with the specific obligation on the economic viability of the operation of the gatekeeper in the Union as well as on third parties. The suspension may be made subject to conditions and obligations to be defined by the Commission in order to ensure a fair balance between these interests and the objectives of this Regulation. Such a request may be made and granted at any time pending the	In assessing the request, the Commission shall take into account, in particular, the impact of the compliance with the specific obligation on the economic viability of the operation of the gatekeeper in the Union as well as on third parties***, in particular smaller business users and consumers***. The suspension may be made subject to conditions and obligations to be defined by the Commission in order to ensure a fair balance between these interests and the objectives of this Regulation. Such a request	In assessing the request, the Commission shall take into account, in particular, the impact of the compliance with the specific obligation on the economic viability of the operation of the gatekeeper in the Union as well as on third parties. The suspension may be made subject to conditions and obligations to be defined by the Commission in order to ensure a fair balance between these interests and the objectives of this Regulation. Such a request may be made and granted at any time pending the	In assessing the request, the Commission shall take into account, in particular, the impact of the compliance with the specific obligation on the economic viability of the operation of the gatekeeper in the Union as well as on third parties***, in particular SMEs and consumers***. The suspension may be made subject to conditions and obligations to be defined by the Commission in order to ensure a fair balance between these interests and the objectives of this Regulation. Such a request

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	assessment of the Commission pursuant to paragraph 1.	may be made and granted at any time pending the assessment of the Commission pursuant to paragraph 1.	assessment of the Commission pursuant to paragraph 1.	may be made and granted at any time pending the assessment of the Commission pursuant to paragraph 1.
Article 9				
210	Article 9 Exemption for overriding reasons of public interest	Article 9 Exemption ~~for overriding reasons of~~***on grounds of public morality, public health or*** public ~~interest~~***security***	Article 9 Exemption ~~for overriding reasons~~***on grounds*** of public ~~interest~~***health and public security***	Article 9 Exemption for overriding reasons of public interest
Article 9(1)				
211	1. The Commission may, acting on a reasoned request by a gatekeeper or on its own initiative, by decision adopted in accordance with the advisory procedure referred to in Article 32(4), exempt it, in whole or in part, from a specific obligation laid down in Articles 5 and 6 in relation to an individual core platform service identified pursuant to Article 3(7), where such	1. The Commission may, acting on a reasoned request by a gatekeeper or on its own initiative, by decision adopted in accordance with the advisory procedure referred to in Article 32(4), exempt it, in whole or in part, from a specific obligation laid down in Articles 5 and 6 in relation to an individual core platform service identified pursuant to Article 3(7), where such	1. The Commission may, acting on a reasoned request by a gatekeeper or on its own initiative, by decision adopted in accordance with the advisory procedure referred to in Article ~~32(4)~~***37a(2)***, exempt it, in whole or in part, from a specific obligation laid down in Articles 5 and 6 in relation to an individual core platform service identified pursuant to Article 3(7),	1. The Commission may, acting on a reasoned request by a gatekeeper or on its own initiative, by decision adopted in accordance with the advisory procedure referred to in Article ~~32(4)~~***[XXX]***, exempt it, in whole or in part, from a specific obligation laid down in Articles 5 and 6 in relation to an individual core platform service identified pursuant to Article 3(7),

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	exemption is justified on the grounds set out in paragraph 2 of this Article. The Commission shall adopt the exemption decision at the latest 3 months after receiving a complete reasoned request.	exemption is justified on the grounds set out in paragraph 2 of this Article. The Commission shall adopt the exemption decision at the latest ~~3~~*three* months after receiving a complete reasoned request. ***Such decision shall be accompanied by a reasoned statement explaining the grounds for the exemption.***	where such exemption is justified on the grounds set out in paragraph 2 of this Article. The Commission shall adopt the exemption decision ***without delay and*** at the latest 3 months after receiving a complete reasoned request.	where such exemption is justified on the grounds set out in paragraph 2 of this Article. The Commission shall adopt the exemption decision at the latest ~~3~~*three* months after receiving a complete reasoned request. ***Such decision shall be accompanied by a reasoned statement explaining the grounds for the exemption.***
Article 9(1a)				
211a		***1a. Where the exemption is granted pursuant to paragraph 1, the Commission shall review its exemption decision every year. Following such a review the Commission shall either wholly or partially lift the exemption or decide that the conditions of paragraph 1 continue to be met.***		
Article 9(1a)				
211b			***1a. Where an exemption is***	***1b. Where an exemption is***

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			granted pursuant to paragraph 1, the Commission shall review its exemption decision if the ground for the exemption no longer exists or at least every year. Following such a review the Commission shall either wholly or partially lift the exemption or decide that the conditions of paragraph 1 continue to be met.	***granted pursuant to paragraph 1, the Commission shall review its exemption decision if the ground for the exemption no longer exists or at least every year. Following such a review the Commission shall either wholly or partially lift the exemption or decide that the conditions of paragraph 1 continue to be met.***
Article 9(2), introductory part				
212	2. An exemption pursuant to paragraph 1 may only be granted on grounds of:	2. An exemption pursuant to paragraph 1 may only be granted on grounds of:	2. An exemption pursuant to paragraph 1 may– only be granted on grounds of:	2. An exemption pursuant to paragraph 1 may– only be granted on grounds of:
Article 9(2), point (a)				
213	(a) public morality;	(a) public morality;	*deleted*	(a) ~~*public morality;*~~***(deleted)***
Article 9(2), point (b)				
214	(b) public health;	(b) public health;	(b) public health;	(b) public health;
Article 9(2), point (c)				

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215	(c) public security.	(c) public security.	(c) public security.	(c) public security.
Article 9(3), introductory part				
216	3. The Commission may, acting on a reasoned request by a gatekeeper or on its own initiative, provisionally suspend the application of the relevant obligation to one or more individual core platform services already prior to the decision pursuant to paragraph 1.	3. ***In cases of urgency,*** the Commission may, acting on a reasoned request by a gatekeeper or on its own initiative, provisionally suspend the application of the relevant obligation to one or more individual core platform services already prior to the decision pursuant to paragraph 1.	3. ***In cases of urgency,*** the Commission may, acting on a reasoned request by a gatekeeper or on its own initiative, provisionally suspend the application of the relevant obligation to one or more individual core platform services already prior to the decision pursuant to paragraph 1.	3. ***In cases of urgency,*** the Commission may, acting on a reasoned request by a gatekeeper or on its own initiative, provisionally suspend the application of the relevant obligation to one or more individual core platform services already prior to the decision pursuant to paragraph 1.
Article 9(3), first paragraph				
217	In assessing the request, the Commission shall take into account, in particular, the impact of the compliance with the specific obligation on the grounds in paragraph 2 as well as the effects on the gatekeeper concerned and on third parties. The suspension may be made subject to conditions and obligations to be defined by the Commission in order to	In assessing the request, the Commission shall take into account, in particular, the impact of the compliance with the specific obligation on the grounds in paragraph 2 as well as the effects on the gatekeeper concerned and on third parties. The suspension may be made subject to conditions and obligations to be defined by the Commission in order to	In assessing the request, the Commission shall take into account, in particular, the impact of the compliance with the specific obligation on the grounds in paragraph 2 as well as the effects on the gatekeeper concerned and on third parties. The suspension may be made subject to conditions and obligations to be defined by the Commission in order to	In assessing the request, the Commission shall take into account, in particular, the impact of the compliance with the specific obligation on the grounds in paragraph 2 as well as the effects on the gatekeeper concerned and on third parties. The suspension may be made subject to conditions and obligations to be defined by the Commission in order to

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	ensure a fair balance between the goals pursued by the grounds in paragraph 2 and the objectives of this Regulation. Such a request may be made and granted at any time pending the assessment of the Commission pursuant to paragraph 1.	ensure a fair balance between the goals pursued by the grounds in paragraph 2 and the objectives of this Regulation. Such a request may be made and granted at any time pending the assessment of the Commission pursuant to paragraph 1.	ensure a fair balance between the goals pursued by the grounds in paragraph 2 and the objectives of this Regulation. Such a request may be made and granted at any time pending the assessment of the Commission pursuant to paragraph 1.	ensure a fair balance between the goals pursued by the grounds in paragraph 2 and the objectives of this Regulation. Such a request may be made and granted at any time pending the assessment of the Commission pursuant to paragraph 1.
Article 9a				
G 217a			***Article 9a Reporting***	***Article 9a Reporting*** G
Article 9a(1)				
G 217b			***1. Within six months after its designation pursuant to Article 3, and in application of Article 3(8), the gatekeeper shall provide the Commission with a report describing in a detailed and transparent manner the measures it has implemented, to ensure compliance with the obligations laid down in Articles 5 and 6. This report shall be updated at***	***1. 1. Within six months after its designation pursuant to Article 3, and in application of Article 3(8), the gatekeeper shall provide the Commission with a report describing in a detailed and transparent manner the measures it has implemented, to ensure compliance with the obligations laid down in Articles 5 and 6.*** G

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			least annually.	
Article 9a(2)				
217c			***2. Within six months after its designation pursuant to Article 3, the gatekeeper shall publish and provide the Commission with a non-confidential summary of the report referred to in paragraph 1 of this Article. The Commission shall publish without delay the non-confidential summary of the report. This non-confidential summary shall be updated once the report referred to in paragraph 1 of this Article is updated.***	***2. 2. Within six months after its designation pursuant to Article 3, the gatekeeper shall also publish and provide the Commission along with the report pursuant to paragraph 1 with a non-confidential summary of this report.*** ***The report referred to in paragraph 1 of this Article and the non-confidential summary shall be updated together at least annually.*** ***The Commission shall make a link to the non-confidential summary of the report available on its website.***
Article 10				
218	Article 10 Updating obligations for gatekeepers	Article 10 Updating obligations for gatekeepers	Article 10 Updating obligations for gatekeepers	Article 10 Updating obligations for gatekeepers

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Article 10(1), introductory part				
219	1. The Commission is empowered to adopt delegated acts in accordance with Article 34 to update the obligations laid down in Articles 5 and 6 where, based on a market investigation pursuant to Article 17, it has identified the need for new obligations addressing practices that limit the contestability of core platform services or are unfair in the same way as the practices addressed by the obligations laid down in Articles 5 and 6.	1. The Commission is empowered to adopt delegated acts in accordance with Article ~~34 to update the obligations laid down in~~ ***37 amending*** Articles 5 and 6 ***by adding obligations*** where, based on a market investigation pursuant to Article 17, it has identified ~~the need for new obligations addressing~~***that this is needed in order to address*** practices that limit the contestability of core platform services or are unfair in the same way as the practices addressed by the obligations laid down in Articles 5 and 6. ***Those delegated acts may only add new obligations to those listed under Articles 5 and 6.***	1. The Commission is empowered to adopt delegated acts in accordance with Article ~~34 to update the~~ ***37 to supplement the existing*** obligations laid down in Articles 5 and 6***. This supplementing of the existing obligations shall be*** ~~where,~~ based on a market investigation pursuant to Article 17, ~~it~~***which*** has identified the need ~~for new~~***to update those*** obligations ~~addressing~~***to address*** practices that limit the contestability of core platform services or ***that*** are unfair in the same way as the practices addressed by the obligations laid down in Articles 5 and 6.	
Article 10(1a)				
219a		***1a. The Commission is***		

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		empowered to adopt delegated acts in accordance with Article 37 supplementing this Regulation in respect of the obligations laid down in Article 5 and 6. Those delegated acts shall provide for only the following: ***(a) the extent to which an obligation applies to certain core platform services;*** ***(b) the extent to which an obligation applies only to a subset of business users or end users; or*** ***(c) how the obligations shall be performed in order to ensure the effectiveness of those obligations***		
Article 10(1a), introductory part				
R	219b		***1a. The scope of a delegated act adopted in accordance with the first subparagraph shall be limited to:***	R

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Article 10(1a), point (a)				
219c			***(a) extending an obligation that applies only in relation to certain core platform services, to other core platform services listed in Article 2 point (2);***	
Article 10(1a), point (b)				
219d			***(b) extending an obligation that benefits a certain subset of business users or end users so that it benefits other subsets of business users or end users;***	
Article 10(1a), point (c)				
219e			***(c) specifying the manner in which the obligations of gatekeepers under Articles 5 and 6 are to be performed in order to ensure effective compliance with those obligations;***	
Article 10(1a), point (d)				

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R 219f			***(d) extending an obligation that applies only in relation to certain ancillary services to apply in relation to other ancillary services;***	R
Article 10(1a), point (e)				
R 219g			***(e) extending an obligation that applies only in relation to certain types of data to apply in relation to other types of data;***	R
Article 10(1a), point (f)				
R 219h			***(f) adding further conditions where an obligation imposes certain conditions on the behaviour of a gatekeeper; or***	R
Article 10(1a), point (g)				
R 219i			***(g) applying an obligation that governs the relation between several core platform services of the***	R

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			gatekeeper to the relation between a core platform service and other services of the gatekeeper.	
Article 10(2), introductory part				
G 220	2. A practice within the meaning of paragraph 1 shall be considered to be unfair or limit the contestability of core platform services where:	2. A practice within the meaning of paragraph 1 shall be considered to be unfair or limit the contestability of core platform services where:	2. A practice ~~*within the meaning of*~~***as referred to in*** paragraph 1 shall be considered to be unfair or ***to*** limit the contestability of core platform services where:	2. A practice ~~*within the meaning of*~~***as referred to in*** paragraph 1 shall be considered to be unfair or ***to*** limit the contestability of core platform services where: G
Article 10(2), point (a)				
R 221	(a) there is an imbalance of rights and obligations on business users and the gatekeeper is obtaining an advantage from business users that is disproportionate to the service provided by the gatekeeper to business users; or	(a) there is an imbalance of rights and obligations on business users and the gatekeeper is obtaining an advantage from business users that is disproportionate to the service provided by the gatekeeper to business users ***or end users***; or	(a) there is an imbalance ~~*of*~~***between the*** rights and obligations ~~*on*~~***of*** business users and the gatekeeper ~~*is obtaining*~~***obtains*** an advantage from business users that is disproportionate to the service provided by ~~*the*~~***that*** gatekeeper to ***those*** business users; or	(a) there is an imbalance ~~*of*~~***between the*** rights and obligations ~~*on*~~***of*** business users and the gatekeeper ~~*is obtaining*~~***obtains*** an advantage from business users that is disproportionate to the service provided by ~~*the*~~***that*** gatekeeper to ***those*** business users ***[or end users]; or*** ~~*; or*~~ R
Article 10(2), point (b)				

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222	(b) the contestability of markets is weakened as a consequence of such a practice engaged in by gatekeepers.	(b) the contestability of markets is weakened as a consequence of such a practice engaged in by gatekeepers.	(b) ~~*the contestability of markets is weakened as a consequence of such a practice engaged in by gatekeepers.*~~ ***it is engaged in by gatekeepers and is capable of impeding innovation and limiting choice for business users and end users because it:***	(b) ~~*the contestability of markets is weakened as a consequence of such a practice engaged in by gatekeepers.*~~ ***it is engaged in by gatekeepers and is capable of impeding innovation and limiting choice for business users and end users because it:***
Article 10(2), point (b)(1)				
222a			***(1) affects or risks affecting the contestability of a core platform service or other services in the digital sector on a lasting basis due to the creation or strengthening of barriers for other undertakings to enter or expand as suppliers of a core platform service or other services in the digital sector; or***	***(1) affects or risks affecting the contestability of a core platform service or other services in the digital sector on a lasting basis due to the creation or strengthening of barriers for other undertakings to enter or expand as suppliers of a core platform service or other services in the digital sector; or***
Article 10(2), point (b)(2)				
222b			***(2) prevents other operators from having the***	***(2) prevents other operators from having the***

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			same access to a key input as the gatekeeper.	***same access to a key input as the gatekeeper.***
Article 10(2a)				
222c		***2a. In relation to the obligation laid down in article 6(1) fb, the Commission shall adopt by ... [18 months after the entry into force of this Regulation] a delegated act in accordance with Article 37 supplementing this Regulation by defining the appropriate scope and features for the interconnection of the gatekeepers online social networking services as well as standards or technical specifications of such interconnection. Such standards or technical specifications shall ensure high level of security and protection of personal data. When developing standards or technical specifications the Commission may consult standardisation bodies or other relevant stakeholders***		

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		as foreseen in the in Regulation (EU) No 1025/2012.		
Article 11				
223	Article 11 Anti-circumvention	Article 11 ***Article 6a*** Anti-circumvention	Article 11 Anti-circumvention	Article 11 ***Article 7a*** Anti-circumvention
Article 11(-1)				
223a			***-1. An undertaking providing core platform services shall not in any way segment, divide, subdivide, fragment or split these services through contractual, commercial, technical or any other means to circumvent the quantitative thresholds laid down in Article 3(2).***	***-1 An undertaking providing core platform services shall not in any way segment, divide, subdivide, fragment or split these services through contractual, commercial, technical or any other means to circumvent the quantitative thresholds laid down in Article 3(2). Any of such practice of the gatekeeper shall not prevent the Commission from designating an undertaking pursuant to Article 3 (4).***
Article 11(-1a)				

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223b			***-1a. The Commission may, when suspecting that undertaking providing core platform services engaged in practice laid down in paragraph 1, require such undertaking for any information that it deems necessary to determine whether the undertaking concerned engaged in fragmentation of core platform services as referred to in paragraph -1.***	***-1a. The Commission may, when suspecting that an undertaking providing core platform services engaged in a practice laid down in paragraph -1, require from the undertaking any information that it deems necessary to determine whether the undertaking concerned engaged in such a practice.***
Article 11(1)				
224	1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the obligations of Articles 5 and 6 apply in respect of core platform services designated pursuant to Article 3, their implementation shall not be undermined by any behaviour of the undertaking to which the gatekeeper belongs,	1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. ~~*While the obligations of Articles 5 and 6 apply in respect of core platform services designated pursuant to Article 3, their implementation shall not be undermined by any behaviour of the undertaking to which the gatekeeper belongs,*~~	1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the obligations of Articles 5 and 6 apply in respect of core platform services ~~*designated*~~***listed*** pursuant to Article ~~*3*~~***3(7)***, their implementation shall not be undermined by any behaviour of the ~~*undertaking to which the gatekeeper*~~	1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. ~~*While the obligations of Articles 5 and 6 apply in respect of core platform services designated pursuant to Article 3, their implementation shall not be undermined by any behaviour of the undertaking to which the gatekeeper belongs,*~~

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	regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.	~~regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.~~	~~belongs~~**gatekeeper, including the use of behavioural techniques or interface design that would undermine the effectiveness of Articles 5 and 6**, regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.	~~regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.~~
Article 11(1a)				
224a		**1a. While the obligations of Articles 5 and 6 apply in respect of core platform services designated pursuant to Article 3, a gatekeeper, including any undertaking to which the gatekeeper belongs, shall not engage in any behaviour regardless of whether is of a contractual, commercial, technical or any other nature, that, while formally, conceptually or technically distinct to a behaviour prohibited pursuant to Articles 5 and 6, is capable in practice of**		**1a. While the obligations of Articles 5 and 6 apply in respect of core platform services listed pursuant to Article 3(7), their effective implementation shall not be undermined by any behaviour by the gatekeeper regardless of whether this behaviour is of a contractual, commercial, technical or any other nature, including the use of behavioural techniques or interface design.**

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		having an equivalent object or effect.		
Article 11(1b)				
Y 224b		***1b. The gatekeeper shall not engage in any behaviour discouraging interoperability by using technical protection measures, discriminatory terms of service, subjecting application programming interfaces to copyright or providing misleading information.***		Y
Article 11(2)				
G 225	2. Where consent for collecting and processing of personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC,	2. Where consent for collecting***, processing and sharing*** ~~*and processing*~~ of personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps ***either*** to ~~*either*~~ enable business users to directly obtain the required consent to their processing, where required ***to do so*** under Regulation (EU) 2016/679	2. Where consent for collecting and processing of personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC, or to	2. Where consent for collecting***, processing and sharingof*** ~~*and processing of*~~ personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps ~~*to*~~ either ***to*** enable business users to directly obtain the required consent to their processing, where required ***to do so*** under Regulation (EU) G

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	or to comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data where appropriate. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.	and Directive 2002/58/EC, or to comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data where appropriate. ~~*The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.*~~	comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data where appropriate. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.	2016/679 and Directive 2002/58/EC, or to comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data where appropriate. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.
Article 11(3)				
G 226	3. A gatekeeper shall not degrade the conditions or quality of any of the core platform services provided to business users or end users who avail themselves of the rights or choices laid down in Articles 5 and 6, or make the exercise of those rights or choices unduly difficult.	3. A gatekeeper shall not degrade the conditions or quality of any of the core platform services provided to business users or end users who avail themselves of the rights or choices laid down in Articles 5 and 6, or make the exercise of those rights or choices unduly difficult ***including by offering choices to the end-user in a non-neutral manner, or by subverting user's autonomy, decision-making, or choice via the***	3. A gatekeeper shall not degrade the conditions or quality of any of the core platform services provided to business users or end users who avail themselves of the rights or choices laid down in Articles 5 and 6, or make the exercise of those rights or choices unduly difficult.	3. A gatekeeper shall not degrade the conditions or quality of any of the core platform services provided to business users or end users who avail themselves of the rights or choices laid down in Articles 5 and 6, or make the exercise of those rights or choices unduly difficult***, including by offering choices to the end-user in a non-neutral manner, or by subverting end users and business user's autonomy, decision-*** G

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		structure, design, function or manner of operation of a user interface or a part thereof.		***making, or free choice via the structure, design, function or manner of operation of a user interface or a part thereof***.
Article 11(3a)				
G 226a			***3a. Where a gatekeeper circumvents or attempts to circumvent any of the obligations in Article 5 or 6 in a manner described in paragraphs 1 to 3 above, the Commission may open proceedings pursuant to Article 18 and adopt a decision pursuant to Article 7 specifying the measures that the gatekeeper concerned shall implement.***	***3a. Where a gatekeeper circumvents or attempts to circumvent any of the obligations in Article 5 or 6 in a manner described in paragraphs 1 to 3 above, the Commission may open proceedings pursuant to Article 18 and adopt a decision pursuant to Article 7(2) specifying the measures that the gatekeeper concerned shall implement.*** G
Article 11(3b)				
G 226b			***3b. Paragraph 3a is without prejudice to the powers of the Commission under Articles 25, 26 and 27.***	***3b. Paragraph 3a is without prejudice to the powers of the Commission under Articles 25, 26 and 27.*** G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12				
227	Article 12 Obligation to inform about concentrations	Article 12 Obligation to inform about concentrations	Article 12 Obligation to inform about concentrations	Article 12 Obligation to inform about concentrations
Article 12(1), introductory part				
228	1. A gatekeeper shall inform the Commission of any intended concentration within the meaning of Article 3 of Regulation (EC) No 139/2004 involving another provider of core platform services or of any other services provided in the digital sector irrespective of whether it is notifiable to a Union competition authority under Regulation (EC) No 139/2004 or to a competent national competition authority under national merger rules.	1. A gatekeeper shall inform the Commission of any intended concentration within the meaning of Article 3 of Regulation (EC) No 139/2004 ~~involving another provider of core platform services or of any other services provided in the digital sector~~ irrespective of whether it is notifiable to a Union competition authority under Regulation (EC) No 139/2004 or to a competent national competition authority under national merger rules.	1. A gatekeeper shall inform the Commission of any intended concentration within the meaning of Article 3 of Regulation (EC) No 139/2004 involving another ~~provider of~~***gatekeeper, undertaking providing*** core platform services or ~~of~~ any other services provided in the digital sector irrespective of whether it is notifiable to a Union competition authority under Regulation (EC) No 139/2004 or to a competent national competition authority under national merger rules.	1. A gatekeeper shall inform the Commission of any intended concentration within the meaning of Article 3 of Regulation (EC) No 139/2004***, where the merging entities or the target of concentration provide*** ~~involving another provider of~~ core platform services or ~~of~~ any other services ~~provided~~ in the digital sector ***or enable the collection of digital data,*** irrespective of whether it is notifiable to a Union competition authority under Regulation (EC) No 139/2004 or to a competent national competition authority under national merger rules.
Article 12(1), first paragraph				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
229	A gatekeeper shall inform the Commission of such a concentration prior to its implementation and following the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest.	A gatekeeper shall inform the Commission of such a concentration prior to its implementation and following the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest.	A gatekeeper shall inform the Commission of such a concentration ***at least two months*** prior to its implementation and following the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest.	A gatekeeper shall inform the Commission of such a concentration prior to its implementation and following the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest.
Article 12(1a)				
229a		***1a. The Commission shall inform competent national authorities of such notifications.***		
Article 12(2), introductory part				
230	2. The notification pursuant to paragraph 1 shall at least describe for the acquisition targets their EEA and worldwide annual turnover, for any relevant core platform services their respective EEA annual turnover, their number of yearly active business users and the number of monthly	2. The notification pursuant to paragraph 1 shall at least describe for the acquisition targets their EEA and worldwide annual turnover, for any relevant core platform services their respective EEA annual turnover, their number of yearly active business users and the number of monthly	2. The ~~*notification*~~***information provided by the gatekeeper*** pursuant to paragraph 1 shall at least describe ~~*for the acquisition targets*~~***the undertakings concerned by the concentration,*** their EEA and worldwide annual turnover, ~~*for any relevant core platform services their*~~	2. The ~~*notification*~~***information provided by the gatekeeper*** pursuant to paragraph 1 shall at least describe ~~*for the acquisition targets*~~***the undertakings concerned by the concentration,*** their ~~*EEA*~~***Union*** and worldwide annual turnover, ~~*for any relevant core platform*~~

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	active end users, as well as the rationale of the intended concentration.	active end users, as well as the rationale of the intended concentration.	~~respective EEA annual turnover, their number of yearly active business users and the number of monthly active end users~~***their field of activity, including activities directly related to the concentration, the transaction value or an estimation thereof, a summary of the concentration, including its nature and rationale***, as well as ~~the rationale~~***a list*** of the ~~intended concentration~~***Member States concerned by the operation***.	~~services their respective EEA annual turnover, their number of yearly active business users and the number of monthly active end users~~***their field of activity, including activities directly related to the concentration, the transaction value or an estimation thereof, a summary of the concentration, including its nature and rationale***, as well as ~~the rationale~~***a list*** of the ~~intended concentration.~~***Member States concerned by the operation***
Article 12(2), first paragraph				
G 230a			***The information provided by the gatekeeper shall also describe, for any relevant core platform services, their respective EEA annual turnover, their number of yearly active business users and the number of monthly active end users.***	***The information provided by the gatekeeper shall also describe, for any relevant core platform services, their respective Union annual turnover, their number of yearly active business users and the number of monthly active end users.*** G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12(3)				
231	3. If, following any concentration as provided in paragraph 1, additional core platform services individually satisfy the thresholds in point (b) of Article 3(2), the gatekeeper concerned shall inform the Commission thereof within three months from the implementation of the concentration and provide the Commission with the information referred to in Article 3(2).	3. If, following any concentration as provided in paragraph 1, ***it is demonstrated that*** additional core platform services individually satisfy the thresholds in point (b) of Article 3(2), the gatekeeper concerned shall inform the Commission thereof within three months from the implementation of the concentration and provide the Commission with the information referred to in Article 3(2).	3. If, following any concentration as provided in paragraph 1, additional core platform services individually satisfy the thresholds in point (b) of Article 3(2), the gatekeeper concerned shall inform the Commission thereof within three months from the implementation of the concentration and provide the Commission with the information referred to in Article 3(2).	3. If, following any concentration as provided in paragraph 1, additional core platform services individually satisfy the thresholds in point (b) of Article 3(2), the gatekeeper concerned shall inform the Commission thereof within three months from the implementation of the concentration and provide the Commission with the information referred to in Article 3(2).
Article 12(3a)				
231a		***3a. The competent national authorities may use the information received under paragraph 1 to request the Commission to examine the concentration pursuant to Article 22 of Regulation (EC) No 139/2004.***		***3a. The competent authorities of the Member States may use the information received under paragraph 1 to request the Commission to examine the concentration pursuant to Article 22 of Regulation (EC) No 139/2004.***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12(3a)				
231b			***3a. The Commission shall inform the Member States of any information received pursuant to paragraph 1 and publish a summary of the concentration, specifying the parties to the concentration, their field of activity, the nature of the concentration and the list of the Member States concerned by the operation. The Commission shall take account of the legitimate interest of undertakings in the protection of their business secrets.***	***3b. The Commission shall inform the competent authorities of the Member States of any information received pursuant to paragraph 1 and publish annually the list of acquisitions of which it has been informed by gatekeepers pursuant to paragraph 1. The Commission shall take account of the legitimate interest of undertakings in the protection of their business secrets.***
Article 12(3b)				
231c		***3b. The Commission shall publish annually the list of acquisitions of which it has been informed by gatekeepers.***		
Article 13				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
232	Article 13 Obligation of an audit	Article 13 Obligation of an audit	Article 13 Obligation of an audit	Article 13 Obligation of an audit
Article 13, first paragraph				
233	Within six months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission an independently audited description of any techniques for profiling of consumers that the gatekeeper applies to or across its core platform services identified pursuant to Article 3. This description shall be updated at least annually.	Within six months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission ***and the Hight Level Group of Digital Regulators*** an independently audited description of any techniques for profiling of consumers that the gatekeeper applies to or across its core platform services identified pursuant to Article 3. This description shall be updated at least annually. ***The Commission shall develop, in consultation with the EU Data Protection Supervisor, the European Data Protection Board, civil society and experts, the standards and procedure of the audit.***	Within six months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission an independently audited description of any techniques for profiling of ~~consumers~~***end users*** that the gatekeeper applies to or across its core platform services identified pursuant to Article 3. ~~*This description shall be updated at least annually.*~~	Within six months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission an independently audited description of any techniques for profiling of consumers that the gatekeeper applies to or across its core platform services identified pursuant to Article 3. ~~*This*~~***The Commission shall transmit the audited*** description ***to the European Data Protection Board.*** ***The Commission*** shall be ~~*updated at least annually*~~***empowered to adopt implementing acts in accordance to Article 36 (1) to develop the methodology and procedure of the audit***.

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 13, first paragraph a				
233a		***The gatekeeper shall make publicly available an overview of the audited description referred to in the first paragraph, taking into account the need to respect business secrecy.***		***The gatekeeper shall make publicly available an overview of the audited description referred to in the first paragraph, taking into account the need to respect business secrets. The description and its publicly available overview shall be updated at least annually.***
Article 13, first paragraph a				
233b			***The gatekeeper makes publicly available an overview of the audited description taking into account possible limitations involving business secrets. The description and its publicly available overview shall be updated at least annually.***	
Chapter IV				
234	Chapter IV Market investigation	Chapter IV Market investigation	Chapter IV Market investigation	Chapter IV Market investigation

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 14				
235	Article 14 Opening of a market investigation	Article 14 Opening of a market investigation	Article 14 Opening of a market investigation	Article 14 Opening of a market investigation
Article 14(1)				
236	1. When the Commission intends to carry out a market investigation in view of the possible adoption of decisions pursuant to Articles 15, 16 and 17, it shall adopt a decision opening a market investigation.	1. When the Commission intends to carry out a market investigation in view of the possible adoption of decisions pursuant to Articles 15, 16 and 17, it shall adopt a decision opening a market investigation.	1. When the Commission intends to carry out a market investigation in view of the possible adoption of decisions pursuant to Articles 15, 16 and 17, it shall adopt a decision opening a market investigation.	1. When the Commission intends to carry out a market investigation in view of the possible adoption of decisions pursuant to Articles 15, 16 and 17, it shall adopt a decision opening a market investigation.
Article 14(1a)				
236a			***1a. The Commission may exercise its powers of investigation pursuant to this Regulation before opening a market investigation pursuant to paragraph 1.***	***1a. The Commission may exercise its powers of investigation pursuant to this Regulation before opening a market investigation pursuant to paragraph 1.***
Article 14(2), introductory part				

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237	2. The opening decision shall specify:	2. The opening decision shall specify:	2. The opening decision shall specify:	2. The opening decision shall specify:
Article 14(2), point (a)				
238	(a) the date of opening of the investigation;	(a) the date of opening of the investigation;	(a) the date of opening of the investigation;	(a) the date of opening of the investigation;
Article 14(2), point (b)				
239	(b) the description of the issue to which the investigation relates to;	(b) the description of the issue to which the investigation relates to;	(b) the description of the issue to which the investigation relates to;	(b) the description of the issue to which the investigation relates to;
Article 14(2), point (c)				
240	(c) the purpose of the investigation.	(c) the purpose of the investigation.	(c) the purpose of the investigation.	(c) the purpose of the investigation.
Article 14(3), introductory part				
241	3. The Commission may reopen a market investigation that it has closed where:	3. The Commission may reopen a market investigation that it has closed where:	3. The Commission may reopen a market investigation that it has closed where:	3. The Commission may reopen a market investigation that it has closed where:
Article 14(3), point (a)				
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	(a) there has been a material change in any of the facts on which the decision was based;	(a) there has been a material change in any of the facts on which the decision was based; ***or***	(a) there has been a material change in any of the facts on which the decision was based;	(a) there has been a material change in any of the facts on which the decision was based; ***or***
Article 14(3), point (b)				
243	(b) the decision was based on incomplete, incorrect or misleading information provided by the undertakings concerned.	(b) the decision was based on incomplete, incorrect or misleading information provided by the undertakings concerned.	(b) the decision was based on incomplete, incorrect or misleading information ~~*provided by the undertakings concerned*~~.	(b) the decision was based on incomplete, incorrect or misleading information ~~*provided by the undertakings concerned*~~.
Article 14(3a)				
243a		***3a. The Commission may also ask one or more competent national authorities to support its market investigation.***		***3a. The Commission may also ask one or more competent national authorities to support its market investigation.***
Article 15				
244	Article 15 Market investigation for designating gatekeepers	Article 15 Market investigation for designating gatekeepers	Article 15 Market investigation for designating gatekeepers	Article 15 Market investigation for designating gatekeepers
Article 15(1)				
245	1. The Commission may	1. The Commission may	1. The Commission may	1. The Commission may

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	conduct a market investigation for the purpose of examining whether a provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). It shall endeavour to conclude its investigation by adopting a decision in accordance with the advisory procedure referred to in Article 32(4) within twelve months from the opening of the market investigation.	conduct a market investigation for the purpose of examining whether a provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). ~~*It shall endeavour to*~~***The Commission shall*** conclude its investigation by adopting a decision ~~*in accordance with the advisory procedure referred to in Article 32(4)*~~ within twelve months ~~*from the opening of the market investigation*~~.	***on its own initiative*** conduct a market investigation for the purpose of examining whether ~~*a provider of core platform services*~~***an undertaking*** should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). It shall endeavour to conclude its investigation by adopting a decision ***within twelve months from the opening of the market investigation*** in accordance with the advisory procedure referred to in Article ~~*32(4) within twelve months from the opening of the market investigation*~~***37a(2)***.	conduct a market investigation for the purpose of examining whether ~~*a provider of core platform services*~~***an undertking*** should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). ~~*It*~~***The Commission*** shall endeavour to conclude its investigation by adopting a decision ~~*in accordance with the advisory procedure referred to in Article 32(4)*~~ within twelve months from the opening of the market investigation ***[XX]***.
Article 15(2)				
246	2. In the course of a market investigation pursuant to paragraph 1, the Commission shall endeavour to communicate its preliminary findings to	2. In the course of a market investigation pursuant to paragraph 1, the Commission shall ~~*endeavour to*~~ communicate its preliminary findings to	2. In the course of a market investigation pursuant to paragraph 1, the Commission shall endeavour to communicate its preliminary findings to	2. In the course of a market investigation pursuant to paragraph 1, the Commission shall endeavour to communicate its preliminary findings to

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	the provider of core platform services concerned within six months from the opening of the investigation. In the preliminary findings, the Commission shall explain whether it considers, on a provisional basis, that the provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6).	the provider of core platform services concerned ~~within~~***as soon as possible and in any case no later than*** six months from the opening of the investigation. In the preliminary findings, the Commission shall explain whether it considers, on a provisional basis, that the provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6).	the ~~*provider of core platform services*~~***undertaking*** concerned within six months from the opening of the investigation. In the preliminary findings, the Commission shall explain whether it considers, on a provisional basis, that the ~~*provider of core platform services*~~***undertaking*** should be designated as a gatekeeper pursuant to Article 3(6) ***and list, on a provisional basis, the relevant core platform services pursuant to article 3(7)***.	the ~~*provider of core platform services*~~***undertaking*** concerned within six months from the opening of the investigation. In the preliminary findings, the Commission shall explain whether it considers, on a provisional basis, that the ~~*provider of core platform services*~~***undertaking*** should be designated as a gatekeeper pursuant to Article 3(6) ***and list, on a provisional basis, the relevant core platform services pursuant to article 3(7)***.
Article 15(3)				
247	3. Where the provider of core platform services satisfies the thresholds set out in Article 3(2), but has presented significantly substantiated arguments in accordance with Article 3(4), the Commission shall endeavour to conclude the market investigation within	*deleted*	3. Where the ~~*provider of core platform services*~~***undertaking*** satisfies the thresholds set out in Article 3(2), but has presented ~~*significantly*~~***sufficiently*** substantiated arguments in accordance with Article 3(4), the Commission shall	3. Where the ~~*provider of core platform services*~~***undertaking*** satisfies the thresholds set out in Article 3(2), but has presented ~~*significantly*~~***sufficiently*** substantiated arguments in accordance with Article ~~*3(4)*~~***3(4bis) that manifestly***

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	five months from the opening of the market investigation by a decision pursuant to paragraph 1. In that case the Commission shall endeavour to communicate its preliminary findings pursuant to paragraph 2 to the provider of core platform services within three months from the opening of the investigation.		endeavour to conclude the market investigation within five months from the opening of the market investigation by a decision pursuant to paragraph 1. In that case, the Commission shall endeavour to communicate its preliminary findings pursuant to paragraph 2 to the ~~*provider of core platform services*~~***undertaking*** within three months from the opening of the investigation.	***put into question the presumption in Article 3(2)***, the Commission shall endeavour to conclude the market investigation within five months from the opening of the market investigation ~~*by a decision pursuant to paragraph 1*~~. In that case, the Commission shall endeavour to communicate its preliminary findings pursuant to paragraph 2 to the ~~*provider of core platform services*~~***undertaking*** within three months from the opening of the investigation.
Article 15(4)				
248	4. When the Commission pursuant to Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will	4. When the Commission pursuant to Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will	4. When the Commission pursuant to Article 3(6) designates as a gatekeeper ~~*a provider of core platform services*~~***an undertaking*** that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it	4. ***:*** When the Commission pursuant to Article 3(6) designates as a gatekeeper ~~*a provider of*~~***an undertaking providing*** core platform services that does not yet enjoy an entrenched

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	enjoy such a position in the near future, it shall declare applicable to that gatekeeper only obligations laid down in Article 5(b) and Article 6(1) points (e), (f), (h) and (i) as specified in the designation decision. The Commission shall only declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations. The Commission shall review such a designation in accordance with the procedure laid down in Article 4.	enjoy such a position in the near future, it shall declare applicable to that gatekeeper ~~only~~***the*** obligations laid down in Article ~~5(b)~~***5*** and Article ~~6(1) points (e), (f), (h) and (i) as specified in the designation decision. The Commission shall only declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations~~***6***. The Commission shall review such a designation in accordance with ~~the procedure laid down in~~ Article 4.	will enjoy such a position in the near future, it shall declare applicable to that gatekeeper only ***the*** obligations laid down in Article ~~5(b)~~***5 points (b) and (d)*** and Article 6(1) points (e), (f), (h) and (i) as specified in the designation decision. The Commission shall only declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations. The Commission shall review such a designation in accordance with the procedure laid down in Article 4.	and durable position in its operations, but it is foreseeable that it will enjoy such a position in the near future, it ~~shall~~***may*** declare applicable to that gatekeeper only ***the*** obligations laid down in ***[***Article ~~5(b)~~***5 points (b) (c), (ca) and (d)*** and Article 6(1) points (e), (f), (h)***, (i) and (ka)]*** ~~and (i)~~ as specified in the designation decision. The Commission shall only declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations. The Commission shall review such a designation in accordance with the procedure laid down in Article 4.
Article 16				
G 249	Article 16 Market investigation into systematic non-compliance	Article 16 Market investigation into systematic non-compliance	Article 16 Market investigation into systematic non-compliance	Article 16 Market investigation into systematic non-compliance G

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Article 16(1)				
250	1. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural or structural remedies which are proportionate to the infringement committed and necessary to ensure compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision within twelve months from the opening of the market investigation.	1. ~~*Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4)*~~***The Commission may conduct a market investigation for the purpose of examining whether a gatekeeper has engaged in systematic non-compliance. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6, the Commission may*** impose on ~~*such*~~***that*** gatekeeper	1. ***The Commission may conduct a market investigation for the purpose of examining whether a gatekeeper has engaged in systematic non-compliance.*** Where the market investigation shows that a gatekeeper has systematically infringed ***one or several of*** the obligations laid down in Articles 5 ~~*and*~~***or*** 6 and has ~~*further*~~***maintained,*** strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), the Commission may by decision adopted in accordance with the advisory procedure referred to in Article ~~*32(4)*~~***37a(2)*** impose on such gatekeeper any behavioural or structural remedies which are proportionate to the infringement committed and necessary to ensure	1. ***The Commission may conduct a market investigation for the purpose of examining whether a gatekeeper has engaged in systematic non-compliance.*** Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6***, the Commission may impose on that gatekeeper such behavioural or structural remedies which are effective and necessary to ensure compliance with this Regulation. The Commission shall, where appropriate, be entitled to require the remedies to be tested to optimise their effectiveness.*** ~~*and has further strengthened or extended its gatekeeper position in relation to the characteristics under*~~

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		~~any~~***such*** behavioural or structural remedies which are ~~*proportionate to the infringement committed*~~***effective*** and necessary to ensure compliance with this Regulation. The Commission shall***, where appropriate, be entitled to require the remedies to be tested to optimise their effectiveness. The Commission shall*** conclude its investigation by adopting a decision ~~*within*~~***as soon as possible and in any event no later than*** twelve months from the opening of the market investigation.	compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision within twelve months from the opening of the market investigation.	~~*Article 3(1),*~~ The Commission ~~*may by*~~ ***shall conclude its investigation by adopting a*** decision ~~*adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural or structural remedies which are proportionate to the infringement committed*~~***within twelve months from the opening of the market investigation.*** ***PROPOSAL:*** ***For those purposes, the remedy imposed by the Commission may include, to the extent that such remedy is proportionate*** and necessary ***in order to maintain or restore fairness and contestability as affected by the systematic non-compliance, to prohibit, during a limited time-period, for the gatekeeper to enter into a concentration*** ~~*to ensure*~~

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				~~*compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision*~~ within ~~*twelve months from the opening of the market investigation*~~***the meaning of Article 3 of Regulation (EC) No 139/2004 regarding those core platform services or the other services provided in the digital sector or enabling the collection of digital data that are affected by the systematic non-compliance***.
Article 16(1a)				
250a		***1a. Pursuant to paragraph 1, the Commission may for a limited period restrict gatekeepers from making acquisitions in areas relevant to this Regulation provided that such restrictions are proportionate, and necessary in order to remedy the damage caused***		

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		by repeated infringements or to prevent further damage to the contestability and fairness of the internal market.		
Article 16(2)				
251	2. The Commission may only impose structural remedies pursuant to paragraph 1 either where there is no equally effective behavioural remedy or where any equally effective behavioural remedy would be more burdensome for the gatekeeper concerned than the structural remedy.	*deleted*	*2.* The Commission may only impose structural remedies pursuant to paragraph 1 either where there is no equally effective behavioural remedy or where any equally effective behavioural remedy would be more burdensome for the gatekeeper concerned than the structural remedy.	
Article 16(3)				
252	3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, where the Commission has issued at least three non-compliance or fining decisions pursuant to Articles 25 and 26	3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, where the Commission has issued at least ~~*three*~~***two*** non-compliance or fining decisions pursuant to	3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, where the Commission has issued at least three non-compliance ~~*or fining*~~ decisions pursuant to ~~*Articles 25 and 26*~~	3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, where the Commission has issued at least ~~*three*~~***two*** non-compliance ~~*or fining*~~ decisions pursuant to

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	respectively against a gatekeeper in relation to any of its core platform services within a period of five years prior to the adoption of the decision opening a market investigation in view of the possible adoption of a decision pursuant to this Article.	Articles 25 and 26 respectively against a gatekeeper in relation to any of its core platform services within a period of ~~five~~**ten** years prior to the adoption of the decision opening a market investigation in view of the possible adoption of a decision pursuant to this Article.	~~respectively~~**Article 25** against a gatekeeper in relation to any of its core platform services within a period of five years prior to the adoption of the decision opening a market investigation in view of the possible adoption of a decision pursuant to this Article.	Articles 25 ~~and 26 respectively~~ against a gatekeeper in relation to any of its core platform services within a period of ~~five~~**ten** years prior to the adoption of the decision opening a market investigation in view of the possible adoption of a decision pursuant to this Article.
Article 16(4)				
R 253	4. A gatekeeper shall be deemed to have further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), where its impact on the internal market has further increased, its importance as a gateway for business users to reach end users has further increased or the gatekeeper enjoys a further entrenched and durable position in its operations.	*deleted*	4. A gatekeeper shall be deemed to have ~~further~~ strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), where its impact on the internal market has further increased, its importance as a gateway for business users to reach end users has further increased or the gatekeeper enjoys a further entrenched and durable position in its operations.	R

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Article 16(5)				
254	5. The Commission shall communicate its objections to the gatekeeper concerned within six months from the opening of the investigation. In its objections, the Commission shall explain whether it preliminarily considers that the conditions of paragraph 1 are met and which remedy or remedies it preliminarily considers necessary and proportionate.	5. The Commission shall communicate its objections to the gatekeeper concerned ~~*within six*~~***as soon as possible and in any event no later than four*** months from the opening of the investigation. In its objections, the Commission shall explain whether it preliminarily considers that the conditions of paragraph 1 are met and which remedy or remedies it ~~*preliminarily considers necessary and proportionate*~~***considers on a preliminary basis, to be effective and necessary***.	5. The Commission shall communicate its objections to the gatekeeper concerned within six months from the opening of the investigation. In its objections, the Commission shall explain whether it preliminarily considers that the conditions of paragraph 1 are met and which remedy or remedies it preliminarily considers necessary and proportionate.	5. The Commission shall communicate its objections to the gatekeeper concerned within six months from the opening of the investigation. In its objections, the Commission shall explain whether it preliminarily considers that the conditions of paragraph 1 are met and which remedy or remedies it preliminarily considers necessary and proportionate.
Article 16(5a)				
254a				***5a. In order to effectively enable interested third parties to provide comments, the Commission shall at the same time as communicating its preliminary findings to the***

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				gatekeeper pursuant to paragraph 5 or as soon as possible thereafter publish a non-confidential summary of the case and the measures that it is considering taking or that it considers the gatekeeper concerned should take. The Commission shall specify a reasonable timeframe within which such comments can be provided.
Article 16(5b)				
254b				***5b. Where the Commission intends to adopt a decision pursuant to paragraph 1 by making commitments offered by the gatekeeper pursuant to Article 23 binding on that gatekeeper, it shall publish a non-confidential summary of the case and the main content of the commitments. Interested third parties may submit their observations within a reasonable timeframe***

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				which is set by the Commission.
Article 16(6)				
255	6. The Commission may at any time during the market investigation extend its duration where the extension is justified on objective grounds and proportionate. The extension may apply to the deadline by which the Commission has to issue its objections, or to the deadline for adoption of the final decision. The total duration of any extension or extensions pursuant to this paragraph shall not exceed six months.The Commission may consider commitments pursuant to Article 23 and make them binding in its decision.	6. ***In the course of the market investigation, the Commission may****~~The Commission may at any time during the market investigation~~* extend its duration where ~~*the*~~***such*** extension is justified on objective grounds and proportionate. The extension may apply to the deadline by which the Commission has to issue its objections, or to the deadline for adoption of the final decision. The total duration of any extension or extensions pursuant to this paragraph shall not exceed six ~~*months.The Commission may consider commitments pursuant to Article 23 and make them binding in its decision*~~***months***.	6. The Commission may at any time during the market investigation extend its duration where the extension is justified on objective grounds and proportionate. The extension may apply to the deadline by which the Commission has to issue its objections, or to the deadline for adoption of the final decision. The total duration of any extension or extensions pursuant to this paragraph shall not exceed six ~~*months.The*~~***months. The*** Commission may consider commitments pursuant to Article 23 and make them binding in its decision.	6. ***In the course of the market investigation, the Commission may****~~The Commission may at any time during the market investigation~~* extend its duration where ~~*the*~~***such*** extension is justified on objective grounds and proportionate. The extension may apply to the deadline by which the Commission has to issue its objections, or to the deadline for adoption of the final decision. The total duration of any extension or extensions pursuant to this paragraph shall not exceed six ~~*months.The*~~***months. The*** Commission may consider commitments pursuant to Article 23 and make them binding in its decision.

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Article 16(6a)				
255a		***6a. In order to ensure effective compliance by the gatekeeper with its obligations laid down in Articles 5 or 6, the Commission shall regularly review the remedies that it imposes in accordance with paragraph 1 of this Article. The Commission shall be entitled to modify those remedies if, following an investigation, it finds that they are not effective.***		***6a. In order to ensure effective compliance by the gatekeeper with its obligations laid down in Articles 5 or 6, the Commission shall regularly review the remedies that it imposes in accordance with paragraph 1 of this Article. The Commission shall be entitled to modify those remedies if, following an investigation, it finds that they are not effective.***
Article 17				
256	Article 17 Market investigation into new services and new practices	Article 17 Market investigation into new services and new practices	Article 17 Market investigation into new services and new practices	Article 17 Market investigation into new services and new practices
Article 17, first paragraph				
257	The Commission may conduct a market investigation with the	The Commission may conduct a market investigation with the	The Commission may conduct a market investigation ~~with~~***for*** the	The Commission may conduct a market investigation ~~with~~***for*** the

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	purpose of examining whether one or more services within the digital sector should be added to the list of core platform services or to detect types of practices that may limit the contestability of core platform services or may be unfair and which are not effectively addressed by this Regulation. It shall issue a public report at the latest within 24 months from the opening of the market investigation.	purpose of examining whether one or more services within the digital sector should be added to the list of core platform services or to detect types of practices that may limit the contestability of core platform services or may be unfair and which are not effectively addressed by this Regulation. It shall issue a public report at the latest within ~~24~~***18*** months from the opening of the market investigation.	purpose of examining whether one or more services within the digital sector should be added to the list of core platform services or ~~*to detect*~~***for the purpose of detecting*** types of practices that ~~*may*~~ limit the contestability of core platform services or ~~*may be*~~***type of practices that are*** unfair and which are not effectively addressed by this Regulation. It shall issue a public report at the latest within 24 months from the opening of the market investigation. ***In its assessment, the Commission shall take into account any relevant findings of proceedings carried out under Articles 101 and 102 of the TFEU concerning digital markets as well as any other relevant developments.***	purpose of examining whether one or more services within the digital sector should be added to the list of core platform services or ~~*to detect*~~***for the purpose of detecting*** types of practices that ~~*may*~~ limit the contestability of core platform services or ~~*may be*~~***type of practices that are*** unfair and which are not effectively addressed by this Regulation. It shall issue a public report at the latest within ~~24~~***18*** months from the opening of the market investigation. ***In its assessment, the Commission shall take into account any relevant findings of proceedings carried out under Articles 101 and 102 of the TFEU concerning digital markets as well as any other relevant developments.***
Article 17, first paragraph a				
257a				***:***

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				1a. The Commission may, when conducting a market investigation pursuant to paragraph 1, consult third parties, including end users or business users of services within the digital sector investigated or end users and business users being subject to practices under investigation.
	Article 17, second paragraph, introductory part			
G	258	Where appropriate, that report shall:	Where appropriate, that report shall ***be accompanied by***:	Where appropriate, that report shall ***be accompanied by***:
	Article 17, second paragraph, point (a)			
R	259	(a) be accompanied by a proposal to amend this Regulation in order to include additional services within the digital sector in the list of core platform services laid down in point 2 of Article 2;	(a) be accompanied by a proposal to amend this Regulation in order to include additional services within the digital sector in the list of core platform services laid down in point 2 of Article 2;	(a) ~~be accompanied by~~ a proposal to amend this Regulation in order to include additional services within the digital sector in the list of core platform services laid down in point 2 of Article 2 ***or to include new obligations in Article 5 or 6***; ***or***	(a) ~~be accompanied by~~ a proposal to amend this Regulation in order to include additional services within the digital sector in the list of core platform services laid down in point 2 of Article 2 ***[or to include new obligations in Article 5 or 6]***; ***or***

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Article 17, second paragraph, point (b)					
R	260	(b) be accompanied by a delegated act amending Articles 5 or 6 as provided for in Article 10.	(b) be accompanied by a delegated act amending Articles 5 or 6 as provided for in Article 10.	(b) ~~be accompanied by a delegated act amending~~**a draft delegated act supplementing the obligations laid down in** Articles 5 or 6 as provided for in Article 10.	(b) be accompanied by a delegated act **[**amending**/ supplementing]** Articles 5 or 6 as provided for in Article 10.	R
Article 17, second paragraph, point (ba)					
G	260a		**(ba) The Commission shall be entitled to impose interim measures if there is a risk of serious and immediate damage for business users or end users of gatekeepers.**			G
Article 17, second paragraph a					
Y	260b			**Where appropriate, the proposal to amend this Regulation under point (a) may also propose to remove existing services from the list of core platform services laid down in point 2 of Article 2 or to remove existing**		Y

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			obligations from Articles 5 or 6.	
Chapter V				
261	Chapter V Investigative, enforcement and monitoring powers	Chapter V Investigative, enforcement and monitoring powers	Chapter V Investigative, enforcement and monitoring powers	Chapter V Investigative, enforcement and monitoring powers
Article 18				
262	Article 18 Opening of proceedings	Article 18 Opening of proceedings	Article 18 Opening of proceedings	Article 18 Opening of proceedings
Article 18, first paragraph				
263	Where the Commission intends to carry out proceedings in view of the possible adoption of decisions pursuant to Article 7, 25 and 26, it shall adopt a decision opening a proceeding.	Where the Commission intends to carry out proceedings in view of the possible adoption of decisions pursuant to Article 7, 25 and 26, it shall adopt a decision opening a proceeding.	Where the Commission intends to carry out proceedings in view of the possible adoption of decisions pursuant to ~~*Article*~~***Articles*** 7, 25 and 26, it shall adopt a decision opening a proceeding.	Where the Commission intends to carry out proceedings in view of the possible adoption of decisions pursuant to ~~*Article*~~***Articles*** 7, 25 and 26, it shall adopt a decision opening a proceeding.
Article 18, first paragraph a				
263a			***The Commission may exercise its powers of investigation pursuant to***	***The Commission may exercise its powers of investigation pursuant to***

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			this Regulation before opening proceedings.	***this Regulation before opening proceedings.***
Article 19				
264	Article 19 Requests for information	Article 19 Requests for information	Article 19 Requests for information	Article 19 Requests for information
Article 19(1)				
265	1. The Commission may by simple request or by decision require information from undertakings and associations of undertakings to provide all necessary information, including for the purpose of monitoring, implementing and enforcing the rules laid down in this Regulation. The Commission may also request access to data bases and algorithms of undertakings and request explanations on those by a simple request or by a decision.	1. The Commission may by simple request or by decision require information from undertakings and associations of undertakings to provide all necessary information, including for the purpose of monitoring, implementing and enforcing the rules laid down in this Regulation. The Commission may also request access to data bases ~~and~~, algorithms of undertakings ***and information about testings*** and request explanations on those by a simple request or by a decision.	1. ***In order to carry out the duties assigned to it by this Regulation,*** the Commission may, by simple request or by decision, require ~~*information*~~ from undertakings and associations of undertakings to provide all necessary information~~, *including for the purpose of monitoring, implementing and enforcing the rules laid down in this Regulation*~~. The Commission may also request access to ~~*data bases*~~***any data*** and algorithms of undertakings and request explanations on those by a simple request or by a decision.	1. ***In order to carry out the duties assigned to it by this Regulation,*** the Commission may, by simple request or by decision, require ~~*information*~~ from undertakings and associations of undertakings to provide all necessary information~~, *including for the purpose of monitoring, implementing and enforcing the rules laid down in this Regulation*~~. The Commission may also request access to ***any*** data ~~*bases*~~ and algorithms of undertakings and ***information about testing and*** request explanations on those by a simple

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					request or by a decision.
Article 19(2)					
G	266	2. The Commission may request information from undertakings and associations of undertakings pursuant to paragraph 1 also prior to opening a market investigation pursuant to Article 14 or proceedings pursuant to Article 18.	2. The Commission may request information from undertakings and associations of undertakings pursuant to paragraph 1 also prior to opening a market investigation pursuant to Article 14 ~~*or proceedings pursuant to Article 18*~~.	*deleted*	2. ~~*The Commission may request information from undertakings and associations of undertakings pursuant to paragraph 1 also prior to opening a market investigation pursuant to Article 14 or proceedings pursuant to Article 18.*~~ ***(deleted)***
Article 19(3)					
G	267	3. When sending a simple request for information to an undertaking or association of undertakings, the Commission shall state the purpose of the request, specify what information is required and fix the time-limit within which the information is to be provided, and the penalties provided for in Article 26 for supplying incomplete, incorrect or misleading	3. When sending a simple request for information to an undertaking or association of undertakings, the Commission shall state the purpose of the request, specify what information is required and fix the time-limit within which the information is to be provided, and the penalties provided for in Article 26 for supplying incomplete, incorrect or misleading	3. When sending a simple request for information to an undertaking or association of undertakings, the Commission shall state the ***legal basis and*** purpose of the request, specify what information is required and fix the time-limit within which the information is to be provided, and the penalties provided for in Article 26 for supplying incomplete, incorrect or	3. When sending a simple request for information to an undertaking or association of undertakings, the Commission shall state the ***legal basis and*** purpose of the request, specify what information is required and fix the time-limit within which the information is to be provided, and the penalties provided for in Article 26 for supplying incomplete, incorrect or

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	information or explanations.	information or explanations.	misleading information or explanations.	misleading information or explanations.
Article 19(4)				
268	4. Where the Commission requires undertakings and associations of undertakings to supply information by decision, it shall state the purpose of the request, specify what information is required and fix the time-limit within which it is to be provided. Where the Commission requires undertakings to provide access to its data-bases and algorithms, it shall state the legal basis and the purpose of the request, and fix the time-limit within which it is to be provided. It shall also indicate the penalties provided for in Article 26 and indicate or impose the periodic penalty payments provided for in Article 27. It shall further indicate the right to have the decision reviewed by the Court of Justice.	4. Where the Commission requires undertakings and associations of undertakings to supply information by decision, it shall state the purpose of the request, specify what information is required and fix the time-limit within which it is to be provided. Where the Commission requires undertakings to provide access to its data-bases and algorithms, it shall state the ~~*legal basis and the*~~ purpose of the request, ***specify what information is required*** and fix the time-limit within which it is to be provided. It shall also indicate the penalties provided for in Article 26 and indicate or impose the periodic penalty payments provided for in Article 27. It shall further indicate the right to have the decision	4. Where the Commission requires undertakings and associations of undertakings to supply information by decision, it shall state the ***legal basis and the*** purpose of the request, specify what information is required and fix the time-limit within which it is to be provided. Where the Commission requires undertakings to provide access to ~~*its data-bases*~~***any data*** and algorithms, it shall state the legal basis and the purpose of the request, and fix the time-limit within which it is to be provided. It shall also indicate the penalties provided for in Article 26 and indicate or impose the periodic penalty payments provided for in Article 27. It shall further indicate the right to have the decision reviewed by the Court of	4. Where the Commission requires undertakings and associations of undertakings to supply information by decision, it shall state the purpose of the request, specify what information is required and fix the time-limit within which it is to be provided. Where the Commission requires undertakings to provide access to ~~*its data-bases*~~***any data*** and algorithms, it shall state the ~~*legal basis and the*~~ purpose of the request~~,~~ and fix the time-limit within which it is to be provided. It shall also indicate the penalties provided for in Article 26 and indicate or impose the periodic penalty payments provided for in Article 27. It shall further indicate the right to have the decision reviewed by the Court of Justice.

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		reviewed by the Court of Justice.	Justice.	
Article 19(5)				
269	5. The undertakings or associations of undertakings or their representatives shall supply the information requested on behalf of the undertaking or the association of undertakings concerned. Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.	5. The undertakings or associations of undertakings or their representatives shall supply the information requested on behalf of the undertaking or the association of undertakings concerned. Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.	5. The undertakings or associations of undertakings or their representatives ***and, in the case of legal persons, companies or firms, or associations having no legal personality, the persons authorised to represent them by law or by their constitution,*** shall supply the information requested on behalf of the undertaking or the association of undertakings concerned. Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.	5. The undertakings or associations of undertakings or their representatives shall supply the information requested on behalf of the undertaking or the association of undertakings concerned. Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.
Article 19(5a)				
269a				

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			5a. The Commission shall without delay forward a copy of the simple request or of the decision requesting information to the competent authority of the Member State, enforcing the rules referred to in Article 1(6), in whose territory the undertaking or association of undertakings is established.	
Article 19(6)				
270	6. At the request of the Commission, the governments and authorities of the Member States shall provide the Commission with all necessary information to carry out the duties assigned to it by this Regulation.	6. At the request of the Commission, the governments and authorities of the Member States shall provide the Commission with all necessary information to carry out the duties assigned to it by this Regulation.	6. At the request of the Commission, the ~~*governments and*~~***competent*** authorities of the Member States shall provide the Commission with all necessary information ***in their possession*** to carry out the duties assigned to it by this Regulation.	6. At the request of the Commission, the ~~*governments and*~~***competent*** authorities of the Member States shall provide the Commission with all necessary information ***in their possession*** to carry out the duties assigned to it by this Regulation.
Article 20				
271	Article 20 Power to carry out interviews and take	Article 20 Power to carry out interviews and take	Article 20 Power to carry out interviews and take	Article 20 Power to carry out interviews and take

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	statements	statements	statements	statements
Article 20, first paragraph				
272	The Commission may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, including in relation to the monitoring, implementing and enforcing of the rules laid down in this Regulation.	The Commission***, and the national competent authorities in accordance with Article 31c,*** may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, including in relation to the monitoring, implementing and enforcing of the rules laid down in this Regulation.	***In order to carry out the duties assigned to it by this Regulation,*** the Commission may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation~~, including in relation to the monitoring, implementing and enforcing of the rules laid down in this Regulation~~***. The Commission shall be entitled to record such interview by any technical means***.	***In order to carry out the duties assigned to it by this Regulation,*** the Commission may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation~~, including in relation to the monitoring, implementing and enforcing of the rules laid down in this Regulation~~***. The Commission shall be entitled to record such interview by any technical means***.
Article 20, first paragraph a				
272a			***Where an interview pursuant to paragraph 1 is conducted on the premises of an undertaking, the Commission shall inform***	***Where an interview pursuant to paragraph 1 is conducted on the premises of an undertaking, the Commission shall inform***

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			the competent authority of the Member State, enforcing the rules referred to in Article 1(6), in whose territory the interview takes place. If so requested by the said competent authority, its officials may assist the officials and other accompanying persons authorised by the Commission to conduct the interview.	***[the competent authority of the Member State, enforcing the rules referred to in Article 1(6)], in whose territory the interview takes place. If so requested by the said competent authority, its officials may assist the officials and other accompanying persons authorized by the Commission to conduct the interview.***
Article 21				
273	Article 21 Powers to conduct on-site inspections	Article 21 Powers to conduct on-site inspections	Article 21 Powers to conduct ~~*on-site*~~ inspections	Article 21 Powers to conduct ~~*on-site*~~ inspections
Article 21(1)				
274	1. The Commission may conduct on-site inspections at the premises of an undertaking or association of undertakings.	1. The Commission may conduct on-site inspections at the premises of an undertaking or association of undertakings.	1. ***In order to carry out the duties assigned to it by this Regulation,*** the Commission may conduct ~~*on-site*~~***all necessary*** inspections ~~*at the premises*~~ of an undertaking or association of undertakings.	1. ***In order to carry out the duties assigned to it by this Regulation,*** the Commission may conduct ~~*on-site*~~***all necessary*** inspections ~~*at the premises*~~ of an undertaking or association of undertakings.

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				.
Article 21(1a), introductory part				
274a			*1a. The officials and other accompanying persons authorised by the Commission to conduct an inspection are empowered:*	*1a. The officials and other accompanying persons authorised by the Commission to conduct an inspection are empowered:*
Article 21(1a), point (a)				
274b			*(a) to enter any premises, land and means of transport of undertakings and associations of undertakings;*	*(a) to enter any premises, land and means of transport of undertakings and associations of undertakings;*
Article 21(1a), point (b)				
274c			*(b) to examine the books and other records related to the business, irrespective of the medium on which they are stored;*	*(b) to examine the books and other records related to the business, irrespective of the medium on which they are stored;*
Article 21(1a), point (c)				
274d			*(c) to take or obtain in any form copies of or extracts*	*(c) to take or obtain in any form copies of or extracts*

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			from such books or records;	***from such books or records;***
Article 21(1a), point (d)				
274e			***(d) to require the undertaking or association of undertakings to provide access to and explanations on its organisation, functioning, IT system, algorithms, data-handling and business practices and to record or document the explanations given;***	***(d) to require the undertaking or association of undertakings to provide access to and explanations on its organisation, functioning, IT system, algorithms, data-handling and business practices and to record or document the explanations given;***
Article 21(1a), point (e)				
274f			***(e) to seal any business premises and books or records for the period and to the extent necessary for the inspection;***	***(e) to seal any business premises and books or records for the period and to the extent necessary for the inspection;***
Article 21(1a), point (f)				
274g			***(f) to ask any representative or member of staff of the undertaking or association of undertakings for***	***(f) to ask any representative or member of staff of the undertaking or association of undertakings for***

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			explanations on facts or documents relating to the subject-matter and purpose of the inspection and to record the answers;	***explanations on facts or documents relating to the subject-matter and purpose of the inspection and to record the answers;***
Article 21(2)				
275	2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the Commission pursuant to Article 24(2).	2. On-site inspections may also be carried out with the assistance of ***rotating*** auditors or experts appointed by the Commission pursuant to Article 24(2).	2. ~~*On-site*~~ Inspections may also be carried out with the assistance of auditors or experts appointed by the Commission pursuant to Article 24(2) ***as well as the competent authority of the Member State, enforcing the rules referred to in Article 1(6) in whose territory the inspection is to be conducted***.	2. ~~*On-site inspections may also be carried out with*~~***To carry out inspections the Commission may request*** the assistance of auditors or experts appointed by the Commission pursuant to Article 24(2) ***as well as the assistance of the competent authority of the Member State, enforcing the rules referred to in Article 1(6) in whose territory the inspection is to be conducted***.
Article 21(3)				
276	3. During on-site inspections the Commission and auditors or experts appointed by it may require the undertaking or association	3. During on-site inspections the Commission and auditors or experts appointed by it may require the undertaking or association	3. During ~~*on-site*~~ inspections the Commission ~~*and*~~, auditors or experts appointed by it ***as well as the competent authority of the Member***	3. During ~~*on-site*~~ inspections the Commission ~~*and*~~, auditors or experts appointed by it ***and the competent authority of the Member***

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	of undertakings to provide access to and explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The Commission and auditors or experts appointed by it may address questions to key personnel.	of undertakings to provide access to and explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The Commission and auditors or experts appointed by it may address questions to key personnel.	***State, enforcing the rules referred to in Article 1(6) in whose territory the inspection is to be conducted*** may require the undertaking or association of undertakings to provide access to and explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The Commission and auditors or experts appointed by it ***as well as the competent authority of the Member State, enforcing the rules referred to in Article 1(6) in whose territory the inspection is to be conducted*** may address questions to ~~*key personnel*~~***any representative or member of staff***.	***State, enforcing the rules referred to in Article 1(6) in whose territory the inspection is to be conducted*** may require the undertaking or association of undertakings to provide access to and explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The Commission and auditors or experts appointed by it ***and the competent authority of the Member State, enforcing the rules referred to in Article 1(6) in whose territory the inspection is to be conducted*** may address questions to ~~*key personnel*~~***any representative or member of staff***.
Article 21(3a)				
276a			***3a. The officials and other accompanying persons authorised by the Commission to conduct an inspection shall exercise***	***3a. The officials and other accompanying persons authorised by the Commission to conduct an inspection shall exercise***

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			their powers upon production of a written authorisation specifying the subject matter and purpose of the inspection and the penalties provided for in Article 26 in case the production of the required books or other records related to the business is incomplete or where the answers to questions asked under paragraphs 1a and 3 are incorrect or misleading. In good time before the inspection, the Commission shall give notice of the inspection to the competition authority of the Member State in whose territory it is to be conducted.	***their powers upon production of a written authorisation specifying the subject matter and purpose of the inspection and the penalties provided for in Article 26 in case the production of the required books or other records related to the business is incomplete or where the answers to questions asked under paragraphs 1a and 3 are incorrect or misleading. In good time before the inspection, the Commission shall give notice of the inspection to the competition authority of the Member State in whose territory it is to be conducted.***
Article 21(4)				
277	4. Undertakings or associations of undertakings are required to submit to an on-site inspection ordered by decision of the Commission. The decision	4. Undertakings or associations of undertakings are required to submit to an on-site inspection ordered by decision of the Commission. The decision	4. Undertakings or associations of undertakings are required to submit to an ~~*on-site*~~ inspection ordered by decision of the Commission. The decision	4. Undertakings or associations of undertakings are required to submit to an ~~*on-site*~~ inspection ordered by decision of the Commission. The decision

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	shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 26 and 27 and the right to have the decision reviewed by the Court of Justice.	shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 26 and 27 and the right to have the decision reviewed by the Court of Justice.	shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 26 and 27 and the right to have the decision reviewed by the Court of Justice. ***The Commission shall take such decisions after consulting the competent authority of the Member State, enforcing the rules referred to in Article 1(6) in whose territory the inspection is to be conducted.***	shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 26 and 27 and the right to have the decision reviewed by the Court of Justice.
Article 21(4a)				
277a			***4a. Officials of as well as those authorised or appointed by the competent authority of the Member State, enforcing the rules referred to in Article 1(6) in whose territory the inspection is to be conducted shall, at the request of that authority or of the Commission, actively assist the officials***	***4a. Officials of as well as those authorised or appointed by the competent authority of the Member State, enforcing the rules referred to in Article 1(6) in whose territory the inspection is to be conducted shall, at the request of that authority or of the Commission, actively assist***

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			and other accompanying persons authorised by the Commission. To this end, they shall enjoy the powers specified in paragraph 1a and 3.	***the officials and other accompanying persons authorised by the Commission. To this end, they shall enjoy the powers specified in paragraph 1a and 3.***
Article 21(4b)				
277b			***4b. Where the officials and other accompanying persons authorised by the Commission find that an undertaking or association of undertakings opposes an inspection ordered pursuant to this Article, the Member State concerned shall afford them the necessary assistance, requesting where appropriate the assistance of the police or of an equivalent enforcement authority, so as to enable them to conduct their inspection.***	***4b. Where the officials and other accompanying persons authorised by the Commission find that an undertaking or association of undertakings opposes an inspection ordered pursuant to this Article, the Member State concerned shall afford them the necessary assistance, requesting where appropriate the assistance of the police or of an equivalent enforcement authority, so as to enable them to conduct their inspection. 4c. If the assistance provided for in paragraph 6 requires authorisation from a judicial authority***

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				according to national rules, such authorisation shall be applied for. Such authorisation may also be applied for as precautionary measures.
Article 21(4c)				
277c			***4c. If the assistance provided for in paragraph 6 requires authorisation from a judicial authority according to national rules, such authorisation shall be applied for. Such authorisation may also be applied for as a precautionary measure.***	***4c. If the assistance provided for in paragraph 6 requires authorisation from a judicial authority according to national rules, such authorisation shall be applied for. Such authorisation may also be applied for as a precautionary measure.***
Article 21(4d)				
277d			***4d. Where authorisation as referred to in paragraph 7 is applied for, the national judicial authority shall control that the Commission decision is authentic and that the coercive measures envisaged are neither arbitrary nor excessive***	***4d. Where authorisation as referred to in paragraph 7 is applied for, the national judicial authority shall control that the Commission decision is authentic and that the coercive measures envisaged are neither arbitrary nor excessive***

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			having regard to the subject matter of the inspection. In its control of the proportionality of the coercive measures, the national judicial authority may ask the Commission, directly or through the competent authority of the Member State, enforcing the rules referred to in Article 1(6), for detailed explanations in particular on the grounds the Commission has for suspecting infringement of this Regulation, as well as on the seriousness of the suspected infringement and on the nature of the involvement of the undertaking concerned. However, the national judicial authority may not call into question the necessity for the inspection nor demand that it be provided with the information in the file of the Commission. The lawfulness of the Commission decision shall be subject to review only by	***having regard to the subject matter of the inspection. In its control of the proportionality of the coercive measures, the national judicial authority may ask the Commission, directly or through the competent authority of the Member State, [enforcing the rules referred to in Article 1(6)], for detailed explanations in particular on the grounds the Commission has for suspecting infringement of this Regulation, as well as on the seriousness of the suspected infringement and on the nature of the involvement of the undertaking concerned. However, the national judicial authority may not call into question the necessity for the inspection nor demand that it be provided with the information in the file of the Commission. The lawfulness of the Commission decision shall be subject to review only***

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				the Court of Justice.	***by the Court of Justice.***
	Article 22				
G	278	Article 22 Interim measures	Article 22 Interim measures	Article 22 Interim measures	Article 22 Interim measures
	Article 22(1)				
G	279	1. In case of urgency due to the risk of serious and irreparable damage for business users or end users of gatekeepers, the Commission may, by decision adopt in accordance with the advisory procedure referred to in Article 32(4), order interim measures against a gatekeeper on the basis of a prima facie finding of an infringement of Articles 5 or 6.	1. In ~~case~~***cases*** of urgency due to the risk of serious and ~~irreparable~~***immediate*** damage for business users or end users of gatekeepers, the Commission may, by decision adopt in accordance with the advisory procedure referred to in Article 32(4), order interim measures ~~against~~***on*** a gatekeeper on the basis of a prima facie finding of an infringement of Articles 5 or 6.	1. In case of urgency due to the risk of serious and irreparable damage for business users or end users of gatekeepers, the Commission may, by decision ~~adopt~~***adopted*** in accordance with the advisory procedure referred to in Article ~~32(4)~~***37a(2)***, order interim measures against a gatekeeper on the basis of a prima facie finding of an infringement of ~~Articles~~***Article*** 5 or 6.	1. In case of urgency due to the risk of serious and irreparable damage for business users or end users of gatekeepers, the Commission may, by decision ~~adopt~~***adopted*** in accordance with the advisory procedure referred to in ***[***Article ~~32(4)~~***37a(2)]***, order interim measures against a gatekeeper on the basis of a prima facie finding of an infringement of ~~Articles 5 or~~***Article 5 or Article*** 6.
	Article 22(2)				
G	280	2. A decision pursuant to paragraph 1 may only be adopted in the context of	2. A decision pursuant to paragraph 1 ~~may~~***shall*** only be adopted in the context of	2. A decision pursuant to paragraph 1 may only be adopted in the context of	2. A decision pursuant to paragraph 1 ~~may~~***shall*** only be adopted in the context of

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	proceedings opened in view of the possible adoption of a decision of non-compliance pursuant to Article 25(1). This decision shall apply for a specified period of time and may be renewed in so far this is necessary and appropriate.	proceedings opened ~~*in view of*~~***with a view to*** the possible adoption of a decision of non-compliance pursuant to Article 25(1). ~~*This*~~***That*** decision shall apply for a specified period of time and may be renewed in so far this is necessary and appropriate.	proceedings opened in view of the possible adoption of a decision of non-compliance pursuant to Article 25(1). This decision shall apply for a specified period of time and may be renewed in so far this is necessary and appropriate.	proceedings opened ~~*in view of*~~***with a view to*** the possible adoption of a decision of non-compliance pursuant to Article 25(1). ~~*This*~~***That*** decision shall apply for a specified period of time and may be renewed in so far this is necessary and appropriate.
Article 22(2a)				
280a		***2a. In cases of urgency due to the risk of serious and immediate damage to business users or end users of gatekeepers, resulting from new practices implemented by one or more gatekeepers that could undermine contestability of core platform services or that could be unfair pursuant to Article 10(2), the Commission may impose interim measures on the gatekeepers concerned in order to prevent such a risk materialising.***		

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Article 22(2b)				
280b		***2b. A decision referred to in paragraph 2a of this Article shall only be adopted in the context of a market investigation pursuant to Article 17 and within 6 months of the opening of such an investigation. The interim measures shall apply for a specified period of time and, in any case, shall be renewed or withdrawn in order to take account of the final decision resulting from the market investigation pursuant to Article 17.***		
Article 23				
281	Article 23 Commitments	*deleted*	Article 23 Commitments	Article 23 Commitments
Article 23(1)				
282	1. If during proceedings under Articles 16 or 25 the gatekeeper concerned	*deleted*	1. If during proceedings under ~~*Articles*~~***Article*** 16 or 25 the gatekeeper	1. If during proceedings under ~~*Articles 16 or 25*~~***Article 16*** the gatekeeper

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	offers commitments for the relevant core platform services to ensure compliance with the obligations laid down in Articles 5 and 6, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) make those commitments binding on that gatekeeper and declare that there are no further grounds for action.		concerned offers commitments for the relevant core platform services to ensure compliance with the obligations laid down in Articles 5 and 6, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article ~~32(4)~~**37a(2)** make those commitments binding on that gatekeeper and declare that there are no further grounds for action.	concerned offers commitments for the relevant core platform services to ensure compliance with the obligations laid down in Articles 5 and 6, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article ~~32(4)~~**[37a(2)]** make those commitments binding on that gatekeeper and declare that there are no further grounds for action.
Article 23(2), introductory part				
283	2. The Commission may, upon request or on its own initiative, reopen by decision the relevant proceedings, where:	*deleted*	*2.* The Commission may, upon request or on its own initiative, reopen by decision the relevant proceedings, where:	2. The Commission may, upon request or on its own initiative, reopen by decision the relevant proceedings, where:
Article 23(2), point (a)				
284	(a) there has been a material change in any of the facts on which the decision was based;	*deleted*	*(a)* there has been a material change in any of the facts on which the decision was based;	(a) there has been a material change in any of the facts on which the decision was based;

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Article 23(2), point (b)				
285	(b) the gatekeeper concerned acts contrary to its commitments;	*deleted*	*(b)* the gatekeeper concerned acts contrary to its commitments;	(b) the gatekeeper concerned acts contrary to its commitments;
Article 23(2), point (c)				
286	(c) the decision was based on incomplete, incorrect or misleading information provided by the parties.	*deleted*	*(c)* the decision was based on incomplete, incorrect or misleading information provided by the parties.	(c) the decision was based on incomplete, incorrect or misleading information provided by the parties.
Article 23(2), point (ca)				
286a				***(ca) the commitments are not effective.***
Article 23(3)				
287	3. Should the Commission consider that the commitments submitted by the gatekeeper concerned cannot ensure effective compliance with the obligations laid down in Articles 5 and 6, it shall explain the reasons for not	*deleted*	*3.* Should the Commission consider that the commitments submitted by the gatekeeper concerned cannot ensure effective compliance with the obligations laid down in Articles 5 and 6, it shall explain the reasons for not	3. Should the Commission consider that the commitments submitted by the gatekeeper concerned cannot ensure effective compliance with the obligations laid down in Articles 5 and 6, it shall explain the reasons for not

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	making those commitments binding in the decision concluding the relevant proceedings.		making those commitments binding in the decision concluding the relevant proceedings.	making those commitments binding in the decision concluding the relevant proceedings.
Article 24				
288	Article 24 Monitoring of obligations and measures	Article 24 Monitoring of obligations and measures	Article 24 Monitoring of obligations and measures	Article 24 Monitoring of obligations and measures
Article 24(1)				
289	1. The Commission may take the necessary actions to monitor the effective implementation and compliance with the obligations laid down in Articles 5 and 6 and the decisions taken pursuant to Articles 7, 16, 22 and 23.	1. The Commission ~~may~~***shall*** take the necessary actions to monitor the effective implementation and compliance with the obligations laid down in Articles 5 and 6 and the decisions taken pursuant to Articles 7, 16, 22 and 23.	1. The Commission may take the necessary actions to monitor the effective implementation and compliance with the obligations laid down in Articles 5 and 6 and the decisions taken pursuant to Articles 7, 16, 22 and 23. ***These actions may include in particular the imposition of an obligation on the gatekeeper to retain all documents deemed to be relevant to assess the gatekeepers' implementation of and compliance with these obligations and decisions.***	1. The Commission ~~may~~***shall*** take the necessary actions to monitor the effective implementation and compliance with the obligations laid down in Articles 5 and 6 and the decisions taken pursuant to Articles 7, 16, 22 and 23. ***These actions may include in particular the imposition of an obligation on the gatekeeper to retain all documents deemed to be relevant to assess the gatekeepers' implementation of and compliance with these obligations and decisions.***

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Article 24(2)				
290	2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the Commission to monitor the obligations and measures and to provide specific expertise or knowledge to the Commission.	2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the Commission to monitor the obligations and measures and to provide specific expertise or knowledge to the Commission.	2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors***, as well as from competent authorities of the Member States,*** to assist the Commission to monitor the obligations and measures and to provide specific expertise or knowledge to the Commission.	2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors***, as well as the appointment of officials from competent authorities of the Member States,*** to assist the Commission to monitor the obligations and measures and to provide specific expertise or knowledge to the Commission.
Article 24a				
290a		***Article 24a Complaint mechanism***		***Article 24a Information by third parties***
Article 24a(1)				
290b		***1. Business users, competitors, end-users of the core platform services as well as their***		***1. 1. Any third party including business users, competitors or end-users of the core platform***

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		representatives or other person with a legitimate interest may complain to the competent national authorities about any practice or behaviour by gatekeepers that falls into the scope of this Regulation, including non-compliance. ***The competent national authorities shall assess such complaints and shall report them to the Commission.*** ***The Commission shall examine whether there are reasonable grounds to open proceedings pursuant to Article 18 or a market investigation pursuant to Article 14.***		***services identified pursuant to Article 3(7) of this Regulation as well as their representatives, may inform the national authority competent to enforce the rules referred to in Article 1(6) or directly the Commission about any practice or behaviour by gatekeepers that falls within the scope of this Regulation.*** ***2. The competent national authorities and Commission shall have full discretion as regards the appropriate measures and are under no obligation to follow-up on the information received.*** ***3. Where the national authority determines based on the information received pursuant to paragraph 1 that there may be an issue of non-compliance with this Regulation, it shall transfer this information to the Commission.***
Article 24a(2)				

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290c				*deleted*
Article 24a(2)				
290d		***2. Directive (EU) 2019/1937 shall apply to the complaints and the reporting of breaches of this Regulation and the protection of persons reporting such breaches.***		
Article 24b				
290e		***Article 24b Compliance function***		***Article 24b Compliance function***
Article 24b(1)				
290f		***1. Gatekeepers shall establish a compliance function, which is independent from the operational functions of the gatekeeper and appoint one or more compliance officers, including the head of the compliance function.***		***1. Gatekeepers shall establish a compliance function, which is independent from the operational functions of the gatekeeper and composed of one or more compliance officers, including the head of the compliance function.***

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Article 24b(2)				
290g		***2. The gatekeeper shall ensure that compliance function pursuant to paragraph 1 has sufficient authority, stature and resources, as well as access to the management body of the gatekeeper to monitor the compliance of the gatekeeper with this Regulation.***		***2. The gatekeeper shall ensure that compliance function pursuant to paragraph 1 has sufficient authority, stature and resources, as well as access to the management body of the gatekeeper to monitor the compliance of the gatekeeper with this Regulation.***
Article 24b(3)				
290h		***3. Gatekeeper shall ensure that compliance officers appointed pursuant to paragraph 1 have the professional qualifications, knowledge, experience and ability necessary to fulfil the tasks referred to in paragraph 4.*** ***Gatekeeper shall also ensure that the head of the compliance function appointed pursuant to paragraph 1 is a senior***		***3. The management body of the gatekeeper shall ensure that compliance officers appointed pursuant to paragraph 1 have the professional qualifications, knowledge, experience and ability necessary to fulfil the tasks referred to in paragraph 5.*** ***The management body of the gatekeeper shall also ensure that the head of the compliance function***

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		manager with distinct responsibility for the compliance function and shall be independent from the operational functions and management body of the gatekeeper.		***appointed pursuant to paragraph 1 is an independent senior manager with distinct responsibility for the compliance function.***
Article 24b(4)				
290i		***4. The head of the compliance function shall report directly to the management body of the gatekeeper and shall have the powers to raise concerns and warn that body where risks of non-compliance with this Regulation arise, without prejudice to the responsibilities of the management body in its supervisory and managerial functions.*** ***The head of the compliance function shall not be removed without prior approval of the management body of the gatekeeper.***		***4. The head of the compliance function shall report directly to the management body of the gatekeeper and can raise concerns and warn that body where risks of non-compliance with this Regulation arise, without prejudice to the responsibilities of the management body in its supervisory and managerial functions.*** ***The head of the compliance function shall not be removed without prior approval of the management body of the gatekeeper.***

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Article 24b(5)				
290j		***5. Compliance officers appointed by the gatekeeper pursuant to paragraph 1 shall oversee compliance of the gatekeeper with the obligations in this Regulation, including at least the following tasks:*** ***(a) organising, monitoring and supervising the measures and activities of the gatekeepers that aim to ensure compliance with the obligations laid down in this Regulation;*** ***(b) informing and advising the management and employees of the gatekeeper about relevant obligations under this Regulation;*** ***(c) where applicable, monitoring compliance with commitments made binding pursuant to Article 23, without prejudice to the Commission being able to appoint independent external experts pursuant***		***5. Compliance officers appointed by the gatekeeper pursuant to paragraph 1 shall have the following tasks:*** ***(a) organising, monitoring and supervising the measures and activities of the gatekeepers that aim to ensure compliance with this Regulation;*** ***(b) informing and advising the management and employees of the gatekeeper on compliance with this Regulation;*** ***(c) [where applicable, monitoring compliance with commitments made binding pursuant to Article 23, without prejudice to the Commission being able to appoint independent external experts pursuant to Article 24(2)].*** ***(d) cooperating with the Commission for the purpose of this Regulation.***

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		to Article 24(2). *(d) cooperating with the Commission for the purpose of this Regulation.*		
Article 24b(6)				
290k		*6. Gatekeepers shall communicate the name and contact details of the head of the compliance function to the Commission.*		*6. Gatekeepers shall communicate the name and contact details of the head of the compliance function to the Commission.*
Article 24b(7)				
290l		*7. The management body of the gatekeeper shall define, oversee and be accountable for the implementation of the arrangements of the gatekeeper that ensure independence of the compliance function, including the segregation of duties in the organisation of the gatekeeper and the prevention of conflicts of interest.*		*7. The management body of the gatekeeper shall define, oversee and be accountable for the implementation of the arrangements of the gatekeeper that ensure independence of the compliance function, including the segregation of duties in the organisation of the gatekeeper and the prevention of conflicts of interest.*

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Article 24b(8)				
290m				***8. The management body shall approve and review periodically, at least once a year, the strategies and policies for taking up, managing and monitoring the compliance with this Regulation.***
Article 24b(9)				
290n				***9. The management body shall devote sufficient time to the management and monitoring of compliance with this Regulation. It shall actively participate in decisions relating to the management and enforcement of this Regulation and ensure that adequate resources are allocated to it.***
Article 25				
291	Article 25 Non-compliance	Article 25 Non-compliance	Article 25 Non-compliance	Article 25 Non-compliance

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Article 25(1), introductory part				
292	1. The Commission shall adopt a non-compliance decision in accordance with the advisory procedure referred to in Article 32(4) where it finds that a gatekeeper does not comply with one or more of the following:	1. The Commission shall adopt a non-compliance decision in accordance with the advisory procedure referred to in Article 32(4) where it finds that a gatekeeper does not comply with one or more of the following:	1. The Commission shall adopt a non-compliance decision in accordance with the advisory procedure referred to in Article ~~32(4)~~ 37a(2) where it finds that a gatekeeper does not comply with one or more of the following:	1. The Commission shall adopt a non-compliance decision in accordance with the advisory procedure referred to in [Article 32(4)] where it finds that a gatekeeper does not comply with one or more of the following:
Article 25(1), point (a)				
293	(a) any of the obligations laid down in Articles 5 or 6;	(a) any of the obligations laid down in Articles 5 or 6;	(a) any of the obligations laid down in Articles 5 or 6;	(a) any of the obligations laid down in Articles 5 or 6;
Article 25(1), point (b)				
294	(b) measures specified in a decision adopted pursuant to Article 7(2);	(b) measures specified in a decision adopted pursuant to Article 7(2);	(b) measures specified in a decision adopted pursuant to Article 7(2);	(b) measures specified in a decision adopted pursuant to Article 7(2);
Article 25(1), point (c)				
295	(c) measures ordered pursuant to Article 16(1);	(c) measures ordered pursuant to Article 16(1);	(c) measures ordered pursuant to Article 16(1);	(c) measures ordered pursuant to Article 16(1);
Article 25(1), point (d)				

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296	(d) interim measures ordered pursuant to Article 22; or	(d) interim measures ordered pursuant to Article 22; or	(d) interim measures ordered pursuant to Article 22; or	(d) interim measures ordered pursuant to Article 22; or
Article 25(1), point (e)				
297	(e) commitments made legally binding pursuant to Article 23.	*deleted*	*(e)* commitments made legally binding pursuant to Article 23.	(e) commitments made legally binding pursuant to Article 23.
Article 25(1a)				
297a		***1a. The Commission shall adopt its decision within 12 months from the opening of proceedings pursuant to Article 18.***		***1a. The Commission shall endeavour to adopt its decision within 12 months from the opening of proceedings pursuant to Article 18.***
Article 25(2)				
298	2. Before adopting the decision pursuant to paragraph 1, the Commission shall communicate its preliminary findings to the gatekeeper concerned. In the preliminary findings,	2. Before adopting the decision pursuant to paragraph 1, the Commission shall communicate its preliminary findings to the gatekeeper concerned. In ~~the~~***those*** preliminary	2. Before adopting the decision pursuant to paragraph 1, the Commission shall communicate its preliminary findings to the gatekeeper concerned. In the preliminary findings,	2. Before adopting the decision pursuant to paragraph 1, the Commission shall communicate its preliminary findings to the gatekeeper concerned. In ~~the~~***those*** preliminary

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	the Commission shall explain the measures it considers to take or it considers that the gatekeeper should take in order to effectively address the preliminary findings.	findings, the Commission shall explain the measures it ~~considers to take or~~***is considering taking or that*** it considers that the gatekeeper should take in order to effectively address the preliminary findings.	the Commission shall explain the measures it considers to take or it considers that the gatekeeper should take in order to effectively address the preliminary findings.	findings, the Commission shall explain the measures it ~~considers to take or~~***is considering taking or that*** it considers that the gatekeeper should take in order to effectively address the preliminary findings.
Article 25(2a)				
298a				***2a. :*** ***Where it intends to adopt a decision pursuant to paragraph 1, the Commission may consult third parties.***
Article 25(3)				
299	3. In the non-compliance decision adopted pursuant to paragraph 1, the Commission shall order the gatekeeper to cease and desist with the non-compliance within an appropriate deadline and to provide explanations on how it plans to comply with	3. In the non-compliance decision adopted pursuant to paragraph 1, the Commission shall order the gatekeeper to cease and desist with the non-compliance within an appropriate deadline and to provide explanations on how it plans to comply with	3. In the non-compliance decision adopted pursuant to paragraph 1, the Commission shall order the gatekeeper to cease and desist with the non-compliance within an appropriate deadline and to provide explanations on how it plans to comply with	3. In the non-compliance decision adopted pursuant to paragraph 1, the Commission shall order the gatekeeper to cease and desist with the non-compliance within an appropriate deadline and to provide explanations on how it plans to comply with

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		the decision.	the decision.	the decision.	the decision.	
	Article 25(4)					
G	300	4. The gatekeeper shall provide the Commission with the description of the measures it took to ensure compliance with the decision adopted pursuant to paragraph 1.	4. The gatekeeper shall provide the Commission with the description of the measures ***that it has taken*** ~~***it took***~~ to ensure compliance with the decision adopted pursuant to paragraph 1.	4. The gatekeeper shall provide the Commission with the description of the measures it took to ensure compliance with the ***non-compliance*** decision adopted pursuant to paragraph 1.	4. The gatekeeper shall provide the Commission with the description of the measures ***that it has taken*** ~~***it took***~~ to ensure compliance with the ***non-compliance*** decision adopted pursuant to paragraph 1.	G
	Article 25(5)					
G	301	5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.	5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.	5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.	5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.	G
	Article 26					
G	302	Article 26 Fines	Article 26 Fines	Article 26 Fines	Article 26 Fines	G
	Article 26(1), introductory part					
R	303	1. In the decision pursuant to Article 25, the	1. -In the decision pursuant to Article 25, the	1. -In the decision ***adopted*** pursuant to Article 25, the	1. -In the decision ***adopted*** pursuant to Article 25, the	R

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	Commission may impose on a gatekeeper fines not exceeding 10% of its total turnover in the preceding financial year where it finds that the gatekeeper, intentionally or negligently, fails to comply with:	Commission may impose on a gatekeeper fines not ***less than 4% and not*** exceeding ~~*10%*~~***20%*** of its total ***worldwide*** turnover in the preceding financial year where it finds that the gatekeeper, intentionally or negligently, fails to comply with:	Commission may impose on a gatekeeper fines not exceeding 10% of its total ***worldwide*** turnover in the preceding financial year where it finds that the gatekeeper, intentionally or negligently, fails to comply with:	Commission may impose on a gatekeeper fines not exceeding 10% of its total ***worldwide*** turnover in the preceding financial year where it finds that the gatekeeper, intentionally or negligently, fails to comply with:
Article 26(1), point (a)				
304	(a) any of the obligations pursuant to Articles 5 and 6;	(a) any of the obligations pursuant to Articles 5 and 6;	(a) any of the obligations pursuant to Articles 5 and 6;	(a) any of the obligations pursuant to Articles 5 and 6;
Article 26(1), point (aa)				
304a		***(aa) the obligation to notify information that is required pursuant to Article 12;***		
Article 26(1), point (ab)				
304b		***(ab) the obligation to notify information that is required pursuant to Article 13 or supply incorrect, incomplete or***		

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		misleading information;		
Article 26(1), point (b)				
G 305	(b) the measures specified by the Commission pursuant to a decision under Article 7(2);	(b) the measures specified by the Commission pursuant to a decision under Article 7(2);	(b) the measures specified by the Commission pursuant to a decision under Article 7(2);	(b) the measures specified by the Commission pursuant to a decision under Article 7(2); G
Article 26(1), point (c)				
G 306	(c) measures ordered pursuant to Article 16(1);	(c) measures ordered pursuant to Article 16(1);	(c) measures ordered pursuant to Article 16(1);	(c) measures ordered pursuant to Article 16(1); G
Article 26(1), point (d)				
G 307	(d) a decision ordering interim measures pursuant to Article 22;	(d) a decision ordering interim measures pursuant to Article 22;	(d) a decision ordering interim measures pursuant to Article 22; ***or***	(d) a decision ordering interim measures pursuant to Article 22; G
Article 26(1), point (e)				
G 308	(e) a commitment made binding by a decision pursuant to Article 23.	*deleted*	*(e)* a commitment made binding by a decision pursuant to Article 23.	(e) a commitment made binding by a decision pursuant to Article 23. G
Article 26(1a)				
R 308a				***1a. Notwithstanding*** R

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				paragraph 1, the Commission may impose on a gatekeeper fines up to 20% of its total worldwide turnover in the preceding financial year where it finds in a decision pursuant to Article 25 that a gatekeeper has committed the same or a similar infringement of an obligation laid down in Article 5 or 6 in relation to the same core platform service as it was found to have committed in a decision adopted in the 8 preceding years.
Article 26(2), introductory part				
309	2. The Commission may by decision impose on undertakings and associations of undertakings fines not exceeding 1% of the total turnover in the preceding financial year where they intentionally or negligently:	2. The Commission may by decision impose on undertakings and associations of undertakings fines not exceeding 1% of the total turnover in the preceding financial year where they intentionally or negligently:	2. The Commission may by decision impose on undertakings and associations of undertakings fines not exceeding 1% of ~~the~~***their*** total ***worldwide*** turnover in the preceding financial year where they intentionally or negligently:	2. The Commission may by decision impose on undertakings and associations of undertakings fines not exceeding 1% of ~~the~~***their*** total ***worldwide*** turnover in the preceding financial year where they intentionally or negligently:

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Article 26(2), point (-a)				
309a			***(-a) fail to comply with the obligation to notify the Commission according to Article 3(3);***	***(-a) fail to comply with the obligation to notify the Commission according to Article 3(3);***
Article 26(2), point (a)				
310	(a) fail to provide within the time-limit information that is required for assessing their designation as gatekeepers pursuant to Article 3(2) or supply incorrect, incomplete or misleading information;	(a) fail to provide within the time-limit information that is required for assessing their designation as gatekeepers pursuant to Article 3(2) or supply incorrect, incomplete or misleading information;	(a) fail to provide within the time-limit information that is required for assessing their designation as gatekeepers pursuant to Article 3(2) or supply incorrect, incomplete or misleading information;	(a) fail to provide within the time-limit information that is required for assessing their designation as gatekeepers pursuant to Article 3(2) or supply incorrect, incomplete or misleading information;
Article 26(2), point (b)				
311	(b) fail to notify information that is required pursuant to Article 12 or supply incorrect, incomplete or misleading information;	*deleted*	(b) fail to notify information ~~*that is required pursuant to Article 12*~~ or supply incorrect, incomplete or misleading information ***that is required pursuant to Article 12***;	(b) fail to notify information ~~*that is required pursuant to Article 12*~~ or supply incorrect, incomplete or misleading information ***that is required pursuant to Article 12***;
Article 26(2), point (c)				
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	(c) fail to submit the description that is required pursuant to Article 13;	*deleted*	(c) fail to submit the description ***or supply incorrect, incomplete or misleading information*** that is required pursuant to Article 13;	(c) fail to submit the description ***or supply incorrect, incomplete or misleading information*** that is required pursuant to Article 13;
Article 26(2), point (d)				
313	(d) supply incorrect, incomplete or misleading information or explanations that are requested pursuant to Articles 19 or Article 20;	(d) supply incorrect, incomplete or misleading information or explanations that are requested pursuant to Articles 19 or Article 20;	(d) ***fail to supply or*** supply incorrect, incomplete or misleading information or explanations that are requested pursuant to Articles 19 or Article 20;	(d) ***fail to supply or*** supply incorrect, incomplete or misleading information or explanations that are requested pursuant to Articles 19 or Article 20;
Article 26(2), point (e)				
314	(e) fail to provide access to data-bases and algorithms pursuant to Article 19;	(e) fail to provide access to data-bases and algorithms pursuant to Article 19;	(e) fail to provide access to data-bases and algorithms pursuant to Article 19;	(e) fail to provide access to data-bases and algorithms pursuant to Article 19;
Article 26(2), point (f)				
315	(f) fail to rectify within a time-limit set by the Commission, incorrect, incomplete or misleading information given by a member of staff, or fail or refuse to provide complete	(f) fail to rectify within a time-limit set by the Commission, incorrect, incomplete or misleading information given by a member of staff, or fail or refuse to provide complete	(f) fail to rectify within a time-limit set by the Commission, incorrect, incomplete or misleading information given by a ***representative or a*** member of staff, or fail or refuse to	(f) fail to rectify within a time-limit set by the Commission, incorrect, incomplete or misleading information given by a ***representative or a*** member of staff, or fail or refuse to

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	information on facts relating to the subject-matter and purpose of an inspection pursuant to Article 21;	information on facts relating to the subject-matter and purpose of an inspection pursuant to Article 21;	provide complete information on facts relating to the subject-matter and purpose of an inspection, pursuant to Article 21;	provide complete information on facts relating to the subject-matter and purpose of an inspection, pursuant to Article 21;
Article 26(2), point (g)				
316	(g) refuse to submit to an on-site inspection pursuant to Article 21.	(g) refuse to submit to an on-site inspection pursuant to Article 21.	(g) refuse to submit to an ~~on-site~~ inspection pursuant to Article 21~~.~~**;**	(g) refuse to submit to an ~~on-site~~ inspection pursuant to Article 21~~.~~**;**
Article 26(2), point (ga)				
316a			***(ga) fail to comply with the measures adopted by the Commission pursuant to Article 24; or***	***(ga) fail to comply with the measures adopted by the Commission pursuant to Article 24; or***
Article 26(2), point (gb)				
316b			***(gb) fail to comply with the conditions for access to the Commission's file pursuant to Article 30(4).***	***(gb) fail to comply with the conditions for access to the Commission's file pursuant to Article 30(4).***
Article 26(3)				
317	3. In fixing the amount of	3. In fixing the amount of	3. In fixing the amount of	3. In fixing the amount of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the fine, regard shall be had to the gravity, duration, recurrence, and, for fines imposed pursuant to paragraph 2, delay caused to the proceedings.	the fine, regard shall be had to the gravity, duration, recurrence, and, for fines imposed pursuant to paragraph 2, delay caused to the proceedings.	the fine, ~~regard~~***the Commission*** shall ~~be had to~~***take regard of*** the gravity, duration, recurrence, and, for fines imposed pursuant to paragraph 2, delay caused to the proceedings.	the fine, ~~regard~~***the Commission*** shall ~~be had to~~***take regard of*** the gravity, duration, recurrence, and, for fines imposed pursuant to paragraph 2, delay caused to the proceedings.
Article 26(4), introductory part				
318	4. When a fine is imposed on an association of undertakings taking account of the turnover of its members and the association is not solvent, the association shall be obliged to call for contributions from its members to cover the amount of the fine.	4. When a fine is imposed on an association of undertakings taking account of the turnover of its members and the association is not solvent, the association shall be obliged to call for contributions from its members to cover the amount of the fine.	4. -When a fine is imposed on an association of undertakings taking account of the ***worldwide*** turnover of its members and the association is not solvent, the association shall be obliged to call for contributions from its members to cover the amount of the fine.	4. -When a fine is imposed on an association of undertakings taking account of the ***worldwide*** turnover of its members and the association is not solvent, the association shall be obliged to call for contributions from its members to cover the amount of the fine.
Article 26(4), first paragraph				
319	Where such contributions have not been made to the association within a time-limit set by the Commission, the Commission may require payment of the fine directly	Where such contributions have not been made to the association within a time-limit set by the Commission, the Commission may require payment of the fine directly	Where such contributions have not been made to the association ***of undertakings*** within a time-limit set by the Commission, the Commission may require payment of the fine directly	Where such contributions have not been made to the association ***of undertakings*** within a time-limit set by the Commission, the Commission may require payment of the fine directly

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	by any of the undertakings whose representatives were members of the decision-making bodies concerned of the association.	by any of the undertakings whose representatives were members of the decision-making bodies concerned of the association.	by any of the undertakings whose representatives were members of the decision-making bodies concerned of the association.	by any of the undertakings whose representatives were members of the decision-making bodies concerned of the association.
Article 26(4), second paragraph				
320	After having required payment in accordance with the second subparagraph, the Commission may require payment of the balance by any of the members of the association which were active on the market on which the infringement occurred, where necessary to ensure full payment of the fine.	After having required payment in accordance with the second subparagraph, the Commission may require payment of the balance by any of the members of the association which were active on the market on which the infringement occurred, where necessary to ensure full payment of the fine.	After having required payment in accordance with the second subparagraph, the Commission may require payment of the balance by any of the members of the association ~~*which were active on the market on which the infringement occurred*~~***of undertakings***, where necessary to ensure full payment of the fine.	After having required payment in accordance with the second subparagraph, the Commission may require payment of the balance by any of the members of the association ~~*which were active on the market on which the infringement occurred*~~***of undertakings***, where necessary to ensure full payment of the fine.
Article 26(4), third paragraph				
321	However, the Commission shall not require payment pursuant to the second or the third subparagraph from undertakings which show that they have not implemented the infringing decision of the association	However, the Commission shall not require payment pursuant to the second or the third subparagraph from undertakings which show that they have not implemented the infringing decision of the association	However, the Commission shall not require payment pursuant to the second or the third subparagraph from undertakings which show that they have not implemented the infringing decision of the association	However, the Commission shall not require payment pursuant to the second or the third subparagraph from undertakings which show that they have not implemented the infringing decision of the association

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and either were not aware of its existence or have actively distanced themselves from it before the Commission started investigating the case.	and either were not aware of its existence or have actively distanced themselves from it before the Commission started investigating the case.	***of undertakings*** and either were not aware of its existence or have actively distanced themselves from it before the Commission ~~*started investigating the case*~~***opened proceedings under Article 18***.	***of undertakings*** and either were not aware of its existence or have actively distanced themselves from it before the Commission ~~*started investigating the case*~~***opened proceedings under Article 18***.
Article 26(4), fourth paragraph				
322	The financial liability of each undertaking in respect of the payment of the fine shall not exceed 10 % of its total turnover in the preceding financial year.	The financial liability of each undertaking in respect of the payment of the fine shall not exceed 10 % of its total turnover in the preceding financial year.	The financial liability of each undertaking in respect of the payment of the fine shall not exceed 10 % of its total ***worldwide*** turnover in the preceding financial year.	The financial liability of each undertaking in respect of the payment of the fine shall not exceed 10 % of its total ***worldwide*** turnover in the preceding financial year.
Article 27				
323	Article 27 Periodic penalty payments	Article 27 Periodic penalty payments	Article 27 Periodic penalty payments	Article 27 Periodic penalty payments
Article 27(1), introductory part				
324	1. The Commission may by decision impose on undertakings, including gatekeepers where applicable, periodic penalty	1. The Commission may by decision impose on undertakings, including gatekeepers where applicable, periodic penalty	1. The Commission may by decision impose on undertakings, including gatekeepers where applicable, ***and association***	1. The Commission may by decision impose on undertakings, including gatekeepers where applicable, ***and association***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	payments not exceeding 5 % of the average daily turnover in the preceding financial year per day, calculated from the date set by that decision, in order to compel them:	payments not exceeding 5 % of the average daily turnover in the preceding financial year per day, calculated from the date set by that decision, in order to compel them:	***of undertakings*** periodic penalty payments not exceeding 5 % of the average daily ***worldwide*** turnover in the preceding financial year per day, calculated from the date set by that decision, in order to compel them:	***of undertakings*** periodic penalty payments not exceeding 5 % of the average daily ***worldwide*** turnover in the preceding financial year per day, calculated from the date set by that decision, in order to compel them:
Article 27(1), point (a)				
325	(a) to comply with the decision pursuant to Article 16(1);	(a) to comply with the decision pursuant to Article 16(1);	(a) to comply with the decision pursuant to Article 16(1);	(a) to comply with the decision pursuant to Article 16(1);
Article 27(1), point (b)				
326	(b) to supply correct and complete information within the time limit required by a request for information made by decision pursuant to Article 19;	(b) to supply correct and complete information within the time limit required by a request for information made by decision pursuant to Article 19;	(b) to supply correct and complete information within the time limit required by a request for information made by decision pursuant to Article 19;	(b) to supply correct and complete information within the time limit required by a request for information made by decision pursuant to Article 19;
Article 27(1), point (c)				
327	(c) to ensure access to data-bases and algorithms of undertakings and to	(c) to ensure access to data-bases and algorithms of undertakings and to	(c) to ensure access to data-bases and algorithms of undertakings and to	(c) to ensure access to data-bases and algorithms of undertakings and to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	supply explanations on those as required by a decision pursuant to Article 19;	supply explanations on those as required by a decision pursuant to Article 19;	supply explanations on those as required by a decision pursuant to Article 19;	supply explanations on those as required by a decision pursuant to Article 19;
Article 27(1), point (d)				
328	(d) to submit to an on-site inspection which was ordered by a decision taken pursuant to Article 21;	(d) to submit to an on-site inspection which was ordered by a decision taken pursuant to Article 21;	(d) to submit to an ~~*on-site*~~ inspection which was ordered by a decision taken pursuant to Article 21;	(d) to submit to an ~~*on-site*~~ inspection which was ordered by a decision taken pursuant to Article 21;
Article 27(1), point (e)				
329	(e) to comply with a decision ordering interim measures taken pursuant to Article 22(1);	(e) to comply with a decision ordering interim measures taken pursuant to Article 22(1);	(e) to comply with a decision ordering interim measures taken pursuant to Article 22(1);	(e) to comply with a decision ordering interim measures taken pursuant to Article 22(1);
Article 27(1), point (f)				
330	(f) to comply with commitments made legally binding by a decision pursuant to Article 23(1);	(f) to comply with commitments made legally binding by a decision pursuant to Article 23(1);	(f) to comply with commitments made legally binding by a decision pursuant to Article 23(1);	(f) to comply with commitments made legally binding by a decision pursuant to Article 23(1);
Article 27(1), point (g)				
331	(g) to comply with a decision pursuant to Article	(g) to comply with a decision pursuant to Article	(g) to comply with a decision pursuant to Article	(g) to comply with a decision pursuant to Article

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	25(1).	25(1).	25(1).	25(1).
Article 27(2)				
332	2. Where the undertakings have satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) set the definitive amount of the periodic penalty payment at a figure lower than that which would arise under the original decision.	2. Where the undertakings have satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) set the definitive amount of the periodic penalty payment ~~*at a figure lower than that which would arise under the original decision*~~.	2. Where the undertakings ***or association of undertakings*** have satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article ~~*32(4)*~~***37a(2)*** set the definitive amount of the periodic penalty payment at a figure lower than that which would arise under the original decision.	2. Where the undertakings ***or association of undertakings*** have satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article ~~*32(4)*~~***[37a(2)]*** set the definitive amount of the periodic penalty payment at a figure lower than that which would arise under the original decision.
Article 28				
333	Article 28 Limitation periods for the imposition of penalties	Article 28 Limitation periods for the imposition of penalties	Article 28 Limitation periods for the imposition of penalties	Article 28 Limitation periods for the imposition of penalties
Article 28(1)				
334	1. The powers conferred on the Commission by	1. The powers conferred on the Commission by	1. The powers conferred on the Commission by	1. The powers conferred on the Commission by

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Articles 26 and 27 shall be subject to a three year limitation period.	Articles 26 and 27 shall be subject to a ~~three~~***five*** year limitation period.	Articles 26 and 27 shall be subject to a ~~three~~***five*** year limitation period***, with the exception of the case of infringements of provisions concerning requests for information, pursuant to Article 19, powers to conduct interviews and take statements, pursuant to Article 20, or the conduct of inspections, pursuant to Article 21, where such limitation period shall be three years***.	Articles 26 and 27 shall be subject to a ~~three~~***five*** year limitation period.
Article 28(2)				
335	2. Time shall begin to run on the day on which the infringement is committed. However, in the case of continuing or repeated infringements, time shall begin to run on the day on which the infringement ceases.	2. Time shall begin to run on the day on which the infringement is committed. However, in the case of continuing or repeated infringements, time shall begin to run on the day on which the infringement ceases.	2. Time shall begin to run on the day on which the infringement is committed. However, in the case of continuing or repeated infringements, time shall begin to run on the day on which the infringement ceases.	2. Time shall begin to run on the day on which the infringement is committed. However, in the case of continuing or repeated infringements, time shall begin to run on the day on which the infringement ceases.
Article 28(3), introductory part				
336	3. Any action taken by the	3. Any action taken by the	3. Any action taken by the	3. Any action taken by the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Commission for the purpose of an investigation or proceedings in respect of an infringement shall interrupt the limitation period for the imposition of fines or periodic penalty payments. The limitation period shall be interrupted with effect from the date on which the action is notified to at least one undertaking or association of undertakings which has participated in the infringement. Actions which interrupt the running of the period shall include in particular the following:	Commission for the purpose of an investigation or proceedings in respect of an infringement shall interrupt the limitation period for the imposition of fines or periodic penalty payments. The limitation period shall be interrupted with effect from the date on which the action is notified to at least one undertaking or association of undertakings which has participated in the infringement. Actions which interrupt the running of the period shall include in particular the following:	Commission for the purpose of ~~an~~***a market*** investigation or proceedings in respect of an infringement shall interrupt the limitation period for the imposition of fines or periodic penalty payments. The limitation period shall be interrupted with effect from the date on which the action is notified to at least one undertaking or association of undertakings which has participated in the infringement. Actions which interrupt the running of the period shall include in particular the following:	Commission for the purpose of ~~an~~***a market*** investigation or proceedings in respect of an infringement shall interrupt the limitation period for the imposition of fines or periodic penalty payments. The limitation period shall be interrupted with effect from the date on which the action is notified to at least one undertaking or association of undertakings which has participated in the infringement. Actions which interrupt the running of the period shall include in particular the following:
Article 28(3), point (a)				
337	(a) requests for information by the Commission;	(a) requests for information by the Commission;	(a) requests for information by the Commission;	(a) requests for information by the Commission;
Article 28(3), point (b)				
338	(b) on-site inspection;	(b) on-site inspection;	(b) ~~on-site inspection~~***written authorisations to conduct inspections issued to its***	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			officials by the Commission;	
Article 28(3), point (c)				
339	(c) the opening of a proceeding by the Commission pursuant to Article 18.	(c) the opening of a proceeding by the Commission pursuant to Article 18.	(c) the opening of a proceeding by the Commission pursuant to Article 18.	(c) the opening of a proceeding by the Commission pursuant to Article 18.
Article 28(4)				
340	4. Each interruption shall start time running afresh. However, the limitation period shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the Commission having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which limitation is suspended pursuant to paragraph 5.	4. Each interruption shall start time running afresh. However, the limitation period shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the Commission having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which limitation is suspended pursuant to paragraph 5.	4. Each interruption shall start time running afresh. However, the limitation period shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the Commission having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which limitation is suspended pursuant to paragraph 5.	4. Each interruption shall start time running afresh. However, the limitation period shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the Commission having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which limitation is suspended pursuant to paragraph 5.
Article 28(5)				
341	5. The limitation period for	5. The limitation period for	5. The limitation period for	5. The limitation period for

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.	the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.	the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice ~~*of the European Union*~~.	the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice ~~*of the European Union*~~.
Article 29				
G 342	Article 29 Limitation periods for the enforcement of penalties	Article 29 Limitation periods for the enforcement of penalties	Article 29 Limitation periods for the enforcement of penalties	Article 29 Limitation periods for the enforcement of penalties
Article 29(1)				
G 343	1. The power of the Commission to enforce decisions taken pursuant to Articles 26 and 27 shall be subject to a limitation period of five years.	1. The power of the Commission to enforce decisions taken pursuant to Articles 26 and 27 shall be subject to a limitation period of five years.	1. The power of the Commission to enforce decisions taken pursuant to Articles 26 and 27 shall be subject to a limitation period of five years.	1. The power of the Commission to enforce decisions taken pursuant to Articles 26 and 27 shall be subject to a limitation period of five years.
Article 29(2)				
G 344	2. Time shall begin to run on the day on which the decision becomes final.	2. Time shall begin to run on the day on which the decision becomes final.	2. Time shall begin to run on the day on which the decision becomes final.	2. Time shall begin to run on the day on which the decision becomes final.
Article 29(3), introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
345	3. The limitation period for the enforcement of penalties shall be interrupted:	3. The limitation period for the enforcement of penalties shall be interrupted:	3. The limitation period for the enforcement of penalties shall be interrupted:	3. The limitation period for the enforcement of penalties shall be interrupted:
Article 29(3), point (a)				
346	(a) by notification of a decision varying the original amount of the fine or periodic penalty payment or refusing an application for variation;	(a) by notification of a decision varying the original amount of the fine or periodic penalty payment or refusing an application for variation;	(a) by notification of a decision varying the original amount of the fine or periodic penalty payment or refusing an application for variation;	(a) by notification of a decision varying the original amount of the fine or periodic penalty payment or refusing an application for variation;
Article 29(3), point (b)				
347	(b) by any action of the Commission or of a Member State, acting at the request of the Commission, designed to enforce payment of the fine or periodic penalty payment.	(b) by any action of the Commission or of a Member State, acting at the request of the Commission, designed to enforce payment of the fine or periodic penalty payment.	(b) by any action of the Commission or of a Member State, acting at the request of the Commission, designed to enforce payment of the fine or periodic penalty payment.	(b) by any action of the Commission or of a Member State, acting at the request of the Commission, designed to enforce payment of the fine or periodic penalty payment.
Article 29(4)				
348	4. Each interruption shall start time running afresh.	4. Each interruption shall start time running afresh.	4. Each interruption shall start time running afresh.	4. Each interruption shall start time running afresh.
Article 29(5), introductory part				

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		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	349	5. The limitation period for the enforcement of penalties shall be suspended for so long as:	5. The limitation period for the enforcement of penalties shall be suspended for so long as:	5. The limitation period for the enforcement of penalties shall be suspended for so long as:	5. The limitation period for the enforcement of penalties shall be suspended for so long as:	G
	Article 29(5), point (a)					
G	350	(a) time to pay is allowed;	(a) time to pay is allowed;	(a) time to pay is allowed;	(a) time to pay is allowed;	G
	Article 29(5), point (b)					
G	351	(b) enforcement of payment is suspended pursuant to a decision of the Court of Justice.	(b) enforcement of payment is suspended pursuant to a decision of the Court of Justice.	(b) enforcement of payment is suspended pursuant to a decision of the Court of Justice ***or to a decision by a national court***.	(b) enforcement of payment is suspended pursuant to a decision of the Court of Justice ***or to a decision by a national court***.	G
	Article 30					
G	352	Article 30 Right to be heard and access to the file	Article 30 Right to be heard and access to the file	Article 30 Right to be heard and access to the file	Article 30 Right to be heard and access to the file	G
	Article 30(1), introductory part					
Y	353	1. Before adopting a decision pursuant to Article 7, Article 8(1), Article 9(1),	1. Before adopting a decision pursuant to Article 7, Article 8(1), Article 9(1),	1. Before adopting a decision pursuant to Article 7, Article 8(1), Article 9(1),	1. Before adopting a decision pursuant to Article 7, Article 8(1), Article 9(1),	Y

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Articles 15, 16, 22, 23, 25 and 26 and Article 27(2), the Commission shall give the gatekeeper or undertaking or association of undertakings concerned the opportunity of being heard on:	Articles 15, 16, 22, 23, 25 and 26 and Article 27(2), the Commission shall give the gatekeeper or undertaking or association of undertakings concerned ***including third parties with a legitimate interest,*** the opportunity of being heard on:	Articles 15, 16, 22, 23, 25 and 26 and Article 27(2), the Commission shall give the gatekeeper or undertaking or association of undertakings concerned the opportunity of being heard on:	Articles 15, 16, 22, 23, 25 and 26 and Article 27(2), the Commission shall give the gatekeeper or undertaking or association of undertakings concerned the opportunity of being heard on:
Article 30(1), point (a)				
G 354	(a) preliminary findings of the Commission, including any matter to which the Commission has taken objections;	(a) preliminary findings of the Commission, including any matter to which the Commission has taken objections;	(a) preliminary findings of the Commission, including any matter to which the Commission has taken objections;	(a) preliminary findings of the Commission, including any matter to which the Commission has taken objections; G
Article 30(1), point (b)				
G 355	(b) measures that the Commission may intend to take in view of the preliminary findings pursuant to point (a) of this paragraph.	(b) measures that the Commission may intend to take in view of the preliminary findings pursuant to point (a) of this paragraph.	(b) measures that the Commission may intend to take in view of the preliminary findings pursuant to point (a) of this paragraph.	(b) measures that the Commission may intend to take in view of the preliminary findings pursuant to point (a) of this paragraph. G
Article 30(2)				
Y 356	2. Gatekeepers,	2. Gatekeepers,	2. Gatekeepers,	2. Gatekeepers, Y

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		undertakings and associations of undertakings concerned may submit their observations to the Commission's preliminary findings within a time limit which shall be fixed by the Commission in its preliminary findings and which may not be less than 14 days.	undertakings and associations of undertakings concerned ***including third parties with a legitimate interest*** may submit their observations to the Commission's preliminary findings within a time limit which shall be fixed by the Commission in its preliminary findings and which may not be less than 14 days.	undertakings and associations of undertakings concerned may submit their observations to the Commission's preliminary findings within a time limit which shall be fixed by the Commission in its preliminary findings and which may not be less than 14 days.	undertakings and associations of undertakings concerned may submit their observations to the Commission's preliminary findings within a time limit which shall be fixed by the Commission in its preliminary findings and which may not be less than 14 days.	
	Article 30(3)					
Y	357	3. The Commission shall base its decisions only on objections on which gatekeepers, undertakings and associations of undertakings concerned have been able to comment.	3. The Commission shall base its decisions only on objections on which gatekeepers, undertakings ~~and~~, associations of undertakings concerned ***and third parties with a legitimate interest*** have been able to comment.	3. The Commission shall base its decisions only on objections on which gatekeepers, undertakings and associations of undertakings concerned have been able to comment.	3. The Commission shall base its decisions only on objections on which gatekeepers, undertakings and associations of undertakings concerned have been able to comment.	Y
	Article 30(4)					
G	358	4. The rights of defence of the gatekeeper or undertaking or association	4. The rights of defence of the gatekeeper or undertaking or association	4. The rights of defence of the gatekeeper or undertaking or association	4. The rights of defence of the gatekeeper or undertaking or association	G

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	of undertakings concerned shall be fully respected in any proceedings. The gatekeeper or undertaking or association of undertakings concerned shall be entitled to have access to the Commission's file under the terms of a negotiated disclosure, subject to the legitimate interest of undertakings in the protection of their business secrets. The right of access to the file shall not extend to confidential information and internal documents of the Commission or the authorities of the Member States. In particular, the right of access shall not extend to correspondence between the Commission and the authorities of the Member States. Nothing in this paragraph shall prevent the Commission from disclosing and using information necessary to prove an infringement.	of undertakings concerned shall be fully respected in any proceedings. The gatekeeper or undertaking or association of undertakings concerned shall be entitled to have access to the Commission's file under the terms of a negotiated disclosure, subject to the legitimate interest of undertakings in the protection of their business secrets. The right of access to the file shall not extend to confidential information and internal documents of the Commission or the authorities of the Member States. In particular, the right of access shall not extend to correspondence between the Commission and the authorities of the Member States. Nothing in this paragraph shall prevent the Commission from disclosing and using information necessary to prove an infringement.	of undertakings concerned shall be fully respected in any proceedings. The gatekeeper or undertaking or association of undertakings concerned shall be entitled to have access to the Commission's file under ~~*the*~~ terms of ~~*a negotiated*~~ disclosure, subject to the legitimate interest of undertakings in the protection of their business secrets. The ***Commission shall have the power to issue decisions setting out such terms of disclosure in case of disagreement between the parties. The*** right of access to the file ***of the Commission*** shall not extend to confidential information and internal documents of the Commission or the ***competent*** authorities of the Member States. In particular, the right of access shall not extend to correspondence between the Commission and the ***competent*** authorities of the	of undertakings concerned shall be fully respected in any proceedings. The gatekeeper or undertaking or association of undertakings concerned shall be entitled to have access to the Commission's file under ~~*the*~~ terms of ~~*a negotiated*~~ disclosure, subject to the legitimate interest of undertakings in the protection of their business secrets. The ***Commission shall have the power to issue decisions setting out such terms of disclosure in case of disagreement between the parties. The*** right of access to the file ***of the Commission*** shall not extend to confidential information and internal documents of the Commission or the ***competent*** authorities of the Member States. In particular, the right of access shall not extend to correspondence between the Commission and the ***competent*** authorities of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Member States. Nothing in this paragraph shall prevent the Commission from disclosing and using information necessary to prove an infringement.	the Member States. Nothing in this paragraph shall prevent the Commission from disclosing and using information necessary to prove an infringement.
Article 30a				
358a		***Article 30a Accountability***		***Article 30a Annual reporting***
Article 30a(1)				
358b		***1. The Commission shall adopt an annual report on the state of the digital economy. This report shall provide an analysis of the market position, influence and business models of the gatekeepers in the common market. The report shall include a summary of its activities, in particular supervisory measures adopted under Chapter II and IV of this Regulation as well as an assessment on whether competition rules, the***		***1. The Commission shall submit to the European Parliament and to the Council an annual report on the implementation of this Regulation and the progress made towards achieving its objectives.*** ***That report shall include:*** ***a) a summary of the Commission's activities including any adopted measures or decisions and ongoing market investigations in***

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		provisions of this Regulation (and Regulation XX/2021 DSA) and current enforcement levels are adequate to address anticompetitive conduct and ensure the contestability and fairness of digital markets. This annual report shall also include an assessment of the audit reports foreseen in Article 13 and a social impact assessment, which assesses new digital products and services and their potential impact on mental health, user behaviour, disinformation, polarisation and democracy. In the fulfilment of this mandate, the Commission shall coordinate its supervisory and monitoring efforts with those foreseen under the Digital Services Act, so as to achieve the best possible synergies.		***connection with this Regulation;*** ***b) the findings resulting from the monitoring of the implementation by the gatekeepers of the obligations under this Regulation;*** ***c) an assessment of the audited description referred to in Article 13*** ***d) an overview of the cooperation between the Commission and national authorities in connection with this Regulation;*** ***e) an overview of the activities and tasks performed by the High Level Group of Digital Regulators including how its recommendations as regards the enforcement of this Regulation are to be implemented.*** ***The report shall be made public on the website of the Commission.***
Article 30a(2)				
358c		***2. The European***		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Parliament through its competent committees may provide an opinion on an annual basis on the report by the Commission including proposals for market investigations into new services and new practices under Article 17.		
Article 30a(3)				
358d		***3. The Commission shall reply in writing to the opinion adopted by the European Parliament as well as respond to any call for action concerning Article 17 therein, including providing justifications for foreseen inaction, and to any question addressed to it by the European Parliament or by the Council within five weeks of its receipt.***		
Article 30a(4)				
358e		***4. At the request of the European Parliament, the Commission shall***		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		participate in a hearing before the European Parliament. A hearing shall take place at least bi-annually. The respective Commissioner shall make a statement before the European Parliament and answer any questions from its members, whenever so requested. In addition, a continuous, high-level dialogue between the European Parliament and the Commission shall be ensured through exchanges, which take place no less than four times a year.		
Article 31				
359	Article 31 Professional secrecy	Article 31 Professional secrecy	Article 31 Professional secrecy	Article 31 Professional secrecy
Article 31(1)				
360	1. The information collected pursuant to Articles 3, 12, 13, 19, 20 and 21 shall be used only for the purposes of this	1. The information collected pursuant to Articles 3, ~~*12, 13, 19, 20 and 21*~~***19, 20, 21 and 31d*** shall be used only for the	1. The information collected pursuant to ~~*Articles 3, 12, 13, 19, 20 and 21*~~***this Regulation*** shall be used only for the	1. The information collected pursuant to ~~*Articles 3, 12, 13, 19, 20 and 21*~~***this Regulation*** shall be used only for the

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation.	purposes of this Regulation.	purposes of this Regulation.	purposes of this Regulation.
Article 31(1a)				
360a		***1a. The information collected pursuant to Article 12 shall be used only for the purposes of this Regulation and Regulation (EC) No 139/2004.***		
Article 31(1a)				
360b			***1a. The information collected pursuant to Article 12 shall be used only for the purposes of this Regulation, Regulation (EC) No 139/2004 and national merger rules.***	***1a. The information collected pursuant to Article 12 shall be used only for the purposes of this Regulation, Regulation (EC) No 139/2004 and national merger rules.***
Article 31(1b)				
360c		***1b. The information collected pursuant to Article 13 shall be used only for the purposes of this Regulation and Regulation (EU) 2016/679.***		***1b. The information collected pursuant to Article 13 shall be used only for the purposes of this Regulation and Regulation (EU) 2016/679.***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 31(2)				
361	2. Without prejudice to the exchange and to the use of information provided for the purpose of use pursuant to Articles 32 and 33, the Commission, the authorities of the Member States, their officials, servants and other persons working under the supervision of these authorities and any natural or legal person, including auditors and experts appointed pursuant to Article 24(2), shall not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. This obligation shall also apply to all representatives and experts of Member States participating in any of the activities of the Digital Markets Advisory Committee pursuant to Article 32.	2. Without prejudice to the exchange and to the use of information provided for the purpose of use pursuant to Articles ***12, 13, 31d,*** 32 and 33, the Commission, the authorities of the Member States, their officials, servants and other persons working under the supervision of these authorities and any natural or legal person, including auditors and experts appointed pursuant to Article 24(2), shall not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. This obligation shall also apply to all representatives and experts of Member States participating in any of the activities of the Digital Markets Advisory Committee pursuant to Article 32.	2. Without prejudice to the exchange and to the use of information provided for the purpose of use pursuant to Articles ~~*32 and 33*~~***32a, 33 and 37a***, the Commission, the authorities of the Member States, their officials, servants and other persons working under the supervision of these authorities and any natural or legal person, including auditors and experts appointed pursuant to Article 24(2), shall not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. ~~*This obligation shall also apply to all representatives and experts of Member States participating in any of the activities of the Digital Markets Advisory Committee pursuant to Article 32.*~~	2. Without prejudice to the exchange and to the use of information provided for the purpose of use pursuant to Articles ~~*32 and 33*~~***[32a, 33 and 37a]***, the Commission, the authorities of the Member States, their officials, servants and other persons working under the supervision of these authorities and any natural or legal person, including auditors and experts appointed pursuant to Article 24(2), shall not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. ~~*This obligation shall also apply to all representatives and experts of Member States participating in any of the activities of the Digital Markets Advisory Committee pursuant to*~~

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				~~*Article 32.*~~
Article 31a				
361a		***Article 31a*** ***European High-Level Group of Digital Regulators***		***Article 31a*** ***European High-Level Group of Digital Regulators***
Article 31a(1)				
361b		***1. The Commission shall establish a European High-Level Group of Digital Regulators (the "Group") in the form of an expert group, consisting of a representative of the Commission, a representative of relevant Union bodies, representatives of national competition authorities and representatives of other national competent authorities in specific sectors including data protection, electronic communications and consumer protection authorities.***		***1. The Commission shall establish a high-level group for the Digital Markets Act in the form of an expert group.***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 31a(2)				
R 361c		***2. For the purposes of paragraph 1, the relevant national competent authorities shall be represented in the group by their respective heads. In order to facilitate the work of the Group, the Commission shall provide it with a secretariat.***		***2. The high-level group shall be composed of representatives of the Commission and following European bodies and networks:*** ***(a) Body of the European Regulators for Electronic Communications,*** ***(b) European Data Protection Supervisor and European Data Protection Board,*** ***(c) European Competition Network,*** ***(d) Consumer Protection Cooperation Network, and*** ***(e) European Regulatory Group of Audiovisual Media Regulators.*** R
Article 31a(3)				
R 361d		***3. The work of the Group may be organised into expert working groups building cross-regulator specialist teams that***		***3. 3. The high-level group shall not exceed 30 members. The European Commission, European bodies and networks*** R

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		provide the Commission with high level of expertise.		***referred to in paragraph 2 shall each have an equal number of representatives in the high-level group.*** ***4. In order to facilitate the work of the high-level group, the Commission shall provide its secretariat. The high-level group shall be chaired by the Commission. The high-level group shall meet upon request of the Commission, and at least once per calendar year. The Commission shall also convene a meeting of the group when so requested by the majority of the members composing the group in order to address a specific issue.*** ***5. The high-level group shall provide the Commission with advice and expertise in the areas falling within the competences of its members, including:*** ***(a) advice and recommendations within***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				their expertise relevant for any matter of implementation or enforcement of this Regulation; ***(b) advice and expertise promoting a consistent regulatory approach across different regulatory instruments. The high-level group shall in particular identify and assess the current and potential interactions between this Regulation and the sector-specific rules applied by national authorities composing the bodies and networks referred to in paragraph 2. The group shall submit annually to the Commission a report presenting such assessment, and identifying potential trans-regulatory issues. Such report may be accompanied by recommendations aiming at converging towards consistent transdisciplinary***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				approaches and synergies between the implementation of this Regulation and other sectoral regulations. The report should be communicated to the European Parliament and to the Council. ***(c) In the context of market investigations into new services and new practices, the high-level group may provide expertise to the Commission on the need to modify, add or remove rules of the Regulation, to ensure that digital markets across the Union are contestable and fair.***
Article 31b				
361e		***Article 31b*** ***Tasks of the European High-Level Group of Digital Regulators***		
Article 31b(1), introductory part				
361f				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		1. The Group shall assist the Commission in ensuring the consistent application of this Regulation and monitoring its compliance by means of advice, expertise and recommendations. To that end, the Group shall have the following tasks:		
Article 31b(1), point (a)				
R 361g		***(a) to consider matters related to cooperation and coordination between the Commission and Member States in their enforcement actions by promoting the exchange of information and best practices about their work and decision-making principles and practices with the aim of developing a consistent regulatory approach;***		R
Article 31b(1), point (b)				
R 361h		***(b) to make recommendations to the Commission on the need to***		R

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		conduct market investigations under Articles 14, 15, 16 and 17;		
Article 31b(1), point (c)				
361i		***(c) to make recommendations to the Commission on the need to update the obligations of the Regulation under Articles 5 and 6;***		
Article 31b(1), point (d)				
361j		***(d) to provide advice and expertise to the Commission in the preparation of legislative proposals and policy initiatives including under Article 38;***		
Article 31b(1), point (e)				
361k		***(e) to provide advice and expertise to the Commission in the preparation of delegated acts;***		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 31b(1), point (f)				
361l		***(f) where necessary, to provide advice and expertise in the early preparation of implementing acts, before submission to the committee in accordance with Regulation (EU) No 182/2011; and***		
Article 31b(1), point (g)				
361m		***(g) at the request of the Commission, to provide technical advice and expertise before the adoption of a specification decision under Article 7.***		
Article 31b(2)				
361n		***2. The Group shall report every year on its activities to the European Parliament and offer recommendations and policy suggestions related to the enforcement of this Regulation and other***		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		matters contributing to the development of a consistent regulatory approach to the digital single market.		
Article 31b(3)				
361o		***3. The Group shall establish its rules of procedure in line with Commission expert groups rules established by Commission decision C(2016)3301.***		
Article 31b(4)				
361p		***4. The Group meetings with stakeholders and gatekeepers shall be registered and published on a monthly basis in line with the EU transparency register.***		
Article 31c				
361q		***Article 31c Role of national competition authorities***		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and other competent authorities		
Article 31c(1)				
R 361r		***1. National competition authorities as well as other competent authorities designated by the Member State shall support the Commission in monitoring compliance with and enforcement of the obligations laid down in this Regulation and report regularly to the Commission on compliance with this Regulation.***		R
Article 31c(2)				
R 361s		***2. National competition authorities as well as other competent authorities may, under the coordination of the Commission, provide support to a market investigation or proceedings pursuant to Article 7(2), 15, 16, 17, 19, 20, 21 by collecting***		R

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		information and providing expertise.		
Article 31c(3)				
361t		***3. National competition authorities as well as other competent authorities may collect complaints in accordance with the procedure laid down in Article 24a.***		
Article 31d				
361u		***Article 31d Cooperation and coordination with Member States***		***Article 31d Cooperation with national authorities***
Article 31d(1)				
361v		***1. The Commission and Member States shall work in close cooperation and coordinate their enforcement actions to ensure coherent, effective and complementary enforcement of this Regulation.***		***1. The Commission and Member States shall work in close cooperation and coordinate their enforcement actions to ensure coherent, effective and complementary enforcement of available legal instruments applied***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				to gatekeepers within the meaning of this Regulation.
Article 31d(2)				
361w		***2. Where a national authority intends to launch an investigation on gatekeepers based on national laws referred to in Article 1(6), it shall inform the Commission in writing of the first formal investigative measure, before or immediately after the start of such measure. This information may also be made available to the national competition authorities as well as other competent authorities of the other Member States.***		
Article 31d(3)				
361x		***3. Where a national authority intends to impose obligations on gatekeepers based on national laws referred to in Article 1(6),***		***3. The Commission may consult national authorities where appropriate, on any matter relating to the application***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		it shall, no later than 60 days before its adoption, communicate the draft measure to the Commission stating the reasons for the measure. This information may also be made available to the national competition authorities as well as other competent authorities of the other Member States. Where the Commission within those 60 days indicates to the national authority concerned that the draft measure runs counter to this Regulation or to a decision adopted by the Commission under this Regulation or contemplated in proceedings initiated by the Commission, that national authority shall not adopt the measure.		***of the Regulation.***
Article 31d(4)				
361y		***4. The Commission and the national competition authorities as well as other competent authorities of***		

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		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
			the Member States enforcing the rules referred to in Article 1(6) shall have the power to provide one another with any matter of fact or of law, including confidential information.			
	Article 31d(5)					
R	361z		***5. The national competition authorities as well as other competent authorities of the Member States enforcing the rules referred to in Article 1(6) may consult the Commission on any matter relating to the application of this Regulation.***			R
	Article 32					
Y	362	Article 32 Digital Markets Advisory Committee	Article 32 Digital Markets Advisory Committee	~~*Article 32*~~ *deleted*	Article 32 ~~*Digital Markets Advisory*~~ Committee ***procedure***	Y
	Article 32(1)					
G	363					G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. The Commission shall be assisted by the Digital Markets Advisory Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the Digital Markets Advisory Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.	*deleted*	1. ***1.*** The Commission shall be assisted by ***a committee (‘***the Digital Markets Advisory Committee***’)***. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. ***2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.*** ***3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.*** ***4. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*** ***5. The Commission shall communicate the opinion***

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				of the committee to the addressee of an individual decision, together with that decision. It shall make the opinion public together with the individual decision, having regard to the legitimate interest in the protection of professional secrecy.
Article 32(1a)				
Y 363a		***1a. For meetings in which specific issues are to be discussed, Member States shall be entitled to appoint an additional representative from an authority with the relevant expertise for those issues. This is without prejudice to the right of members of the Committee to be assisted by other experts from the Member States.***		Y
Article 32(2)				
G 364	2. Where the opinion of	2. Where the opinion of		G

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		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.	the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.	*deleted*	
	Article 32(3)				
G	*365*	*3.* The Commission shall communicate the opinion of the Digital Markets Advisory Committee to the addressee of an individual decision, together with that decision. It shall make the opinion public together with the individual decision, having regard to the legitimate interest in the protection of professional secrecy.	3. The Commission shall communicate the opinion of the Digital Markets Advisory Committee to the addressee of an individual decision, together with that decision. It shall make the opinion public together with the individual decision, having regard to the legitimate interest in the protection of professional secrecy.	*deleted*	G
	Article 32(4)				
Y	*366*	*4.* Where reference is made to this paragraph, Article 4	4. Where reference is made to this paragraph, Article 4	*deleted*	Y

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of Regulation (EU) No 182/2011 shall apply.	of Regulation (EU) No 182/2011 shall apply.		
Article 32(4a)				
366a		***4a. Meetings of the Digital Markets Advisory Committee and the Commission with representatives of gatekeepers and other stakeholders shall be registered and published on a monthly basis in line with the EU transparency register.***		
Article 32a				
366b			***Article 32a Cooperation and coordination***	***Article 32a Cooperation and coordination with competent authorities enforcing competition rules***
Article 32a(1)				
366c			***1. The Commission and Member States shall work***	***1. The Commission and the competent authorities***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			in close cooperation and coordinate their enforcement actions to ensure coherent, effective and complementary enforcement of available legal instruments applied to gatekeepers within the meaning of this Regulation.	***of the Member States enforcing the rules referred to in Article 1(6) shall cooperate with each other and inform each other about their respective enforcement action through the European Competition Network (ECN). They shall have the power to provide one another with any matter of fact or of law, including confidential information. In case the competent authority is not a member of the ECN, the Commission shall make the necessary arrangements for cooperation and exchange of information on cases concerning the enforcement of the this Regulation and the enforcement of cases referred to in Article 1(6) of such authorities. The Commission may lay down such arrangements in the implementing act pursuant to point (ga) of Article 36(1).***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 32a(2)				
R 366d			***2. National authorities shall not take decisions which run counter to a decision adopted by the Commission under this Regulation.***	***2. Where a national authority intends to launch an investigation on gatekeepers based on national laws referred to in Article 1(6), it shall inform the Commission in writing of the first formal investigative measure, before or immediately after the start of such measure. This information may also be made available to the competent authorities enforcing the rules referred to in Article 1(6) of the other Member States.*** R
Article 32a(3)				
R 366e			***3. The Commission and the competent authorities of the Member States enforcing the rules referred to in Article 1(6) shall cooperate with each***	***3. Where a national authority intends to impose obligations on gatekeepers based on national laws referred to in Article 1(6), it shall, no later than 30*** R

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			other and inform each other about their respective enforcement action through the European Competition Network (ECN). They shall have the power to provide one another with any matter of fact or of law, including confidential information. In case the competent authority is not a member of the ECN, the Commission shall make the necessary arrangements for cooperation and exchange of information on cases concerning the enforcement of the this Regulation and the enforcement of cases referred to in Article 1(6) of such authorities. The Commission may lay down such arrangements in the implementing act pursuant to point (ga) of Article 36(1).	***days before its adoption, communicate the draft measure to the Commission stating the reasons for the measure. In the case of interim measures, the national authority shall communicate to the Commission the draft measures envisaged as soon as possible, and at the latest immediately after the adoption of such measures. This information may also be made available to the competent authorities enforcing the rules referred to in Article 1(6) of the other Member States.***
Article 32a(4)				
366f				***4. The information***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				mechanisms provided for in paragraphs 2 and 3 shall not apply to decisions envisaged pursuant to national merger rules.
Article 32a(4)				
R 366g			***4. Information exchanged pursuant to paragraph 3 shall only be exchanged and used for the purpose of coordination of the enforcement of this Regulation and the rules referred to in that paragraph.***	***5. Information exchanged pursuant to paragraphs 1 to 3 shall only be exchanged and used for the purpose of coordination of the enforcement of this Regulation and the rules referred to in Article 1(6).*** R
Article 32a(5)				
R 366h			***5. The Commission may ask competent authorities of the Member States to support any of its market investigations pursuant to this Regulation.***	***6. The Commission may ask competent authorities of the Member States enforcing the rules referred to in Article 1(6) to support any of its market investigations pursuant to this Regulation.*** R

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 32a(6)				
366i			***6. Where it has the competence and investigative powers to do so under national law, a competent authority of the Member States enforcing the rules referred to in Article 1(6) may on its own initiative conduct an investigation into a case of possible non-compliance with Articles 5 and 6 of this Regulation on its territory. Before taking a first formal investigative measure, that authority shall inform the Commission in writing. The opening of proceedings by the Commission pursuant to Article 18 shall relieve the competent authorities of the Member States enforcing the rules referred to in Article 1(6) of the possibility to conduct such an investigation or end it where it is already pending. The authority***	***7. Where it has the competence and investigative powers to do so under national law, a competent authority of the Member States enforcing the rules referred to in Article 1(6) may on its own initiative conduct an investigation into a case of possible non-compliance with Articles 5 and 6 of this Regulation on its territory. Before taking a first formal investigative measure, that authority shall inform the Commission in writing. The opening of proceedings by the Commission pursuant to Article 18 shall relieve the competent authorities of the Member States enforcing the rules referred to in Article 1(6) of the possibility to conduct such an investigation or end it where it is already pending. The authority***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			shall report to the Commission on the findings of its investigation in order to support the Commission in its role as sole enforcer of this Regulation.	***shall report to the Commission on the findings of its investigation in order to support the Commission in its role as sole enforcer of this Regulation.***
Article 32a(7)				
R	366j		***7. The Commission may consult other regulatory authorities of the Member States and related Union bodies where appropriate to inform the execution of the duties assigned to it by this Regulation.***	R
Article 32a(8)				
R	366k		***8. Where a national authority intends to launch an investigation on gatekeepers based on national laws enforcing the rules referred to in Article 1(6), it shall inform the Commission in writing of the first formal investigative measure,***	R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			before or immediately after the start of such measure. This information may also be made available to the competent national competition authorities of the other Member States.	
Article 32b				
366l			***Article 32b Cooperation with national courts***	***Article 32b Cooperation with national courts***
Article 32b(1)				
366m			***1. In proceedings for the application of this Regulation, national courts may ask the Commission to transmit to them information in its possession or its opinion on questions concerning the application of this Regulation.***	***1. In proceedings for the application of this Regulation, national courts may ask the Commission to transmit to them information in its possession or its opinion on questions concerning the application of this Regulation.***
Article 32b(2)				
366n				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			2. Member States shall forward to the Commission a copy of any written judgment of national courts deciding on the application of this Regulation. Such copy shall be forwarded without delay after the full written judgment is notified to the parties.	***2. Member States shall forward to the Commission a copy of any written judgment of national courts deciding on the application of this Regulation. Such copy shall be forwarded without delay after the full written judgment is notified to the parties.***
Article 32b(3)				
R 366o			***3. Where the coherent application of this Regulation so requires, the Commission, acting on its own initiative, may submit written observations to national courts. With the permission of the court in question, it may also make oral observations.***	***3. Where the coherent application of this Regulation so requires, the Commission, acting on its own initiative, may submit written observations to national courts. With the permission of the court in question, it may also make oral observations.***
Article 32b(4)				
R 366p			***4. For the purpose of the preparation of their observations only, the***	***4. For the purpose of the preparation of their observations only, the***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Commission may request the relevant national court to transmit or ensure the transmission to the Commission of any documents necessary for the assessment of the case.	***Commission may request the relevant national court to transmit or ensure the transmission to the Commission of any documents necessary for the assessment of the case.***
Article 32b(5)				
R 366q			***5. National courts shall not give a decision which runs counter to a decision adopted by the Commission under this Regulation. They must also avoid giving decisions which would conflict with a decision contemplated by the Commission in proceedings it has initiated under this Regulation. To that effect, the national court may assess whether it is necessary to stay its proceedings. This is without prejudice to the ability of national courts to request a preliminary ruling under Article 267 of the TFEU.***	***5. National courts shall not give a decision which runs counter to a decision adopted by the Commission under this Regulation. They must also avoid giving decisions which would conflict with a decision contemplated by the Commission in proceedings it has initiated under this Regulation. To that effect, the national court may assess whether it is necessary to stay its proceedings. This is without prejudice to the ability of national courts to request a preliminary ruling under Article 267 of the TFEU.*** R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 33				
367	Article 33 Request for a market investigation	Article 33 Request for a market investigation	Article 33 Request for a market investigation	Article 33 Request for a market investigation
Article 33(1)				
368	1. When three or more Member States request the Commission to open an investigation pursuant to Article 15 because they consider that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper, the Commission shall within four months examine whether there are reasonable grounds to open such an investigation.	1. ~~*When three or more Member States*~~***Two or more national competition authorities or other competent national authorities may*** request the Commission to open an investigation pursuant to ~~*Article 15 because they consider that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper.*~~***Articles 15, 16, 17 or 25. Competent authority (ies) shall submit evidence in support of their request.*** The Commission shall within four months examine whether there are reasonable grounds to open	1. When three or more Member States request the Commission to open an investigation pursuant to Article 15 because they consider that there are reasonable grounds to suspect that ~~*a provider of core platform services*~~***an undertaking*** should be designated as a gatekeeper, the Commission shall within four months examine whether there are reasonable grounds to open such an investigation ***and the result of such examination shall be published***.	1. ~~*When*~~ Three or more Member States ***may*** request the Commission to open an investigation pursuant to Article 15 because they consider that there are reasonable grounds to suspect that ~~*a provider of core platform services*~~***an undertaking*** should be designated as a gatekeeper~~*, the Commission shall within four months examine whether there are reasonable grounds to open such an investigation*~~.

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		such an investigation. ***Where the Commission considers that there are insufficient grounds for initiating proceedings, it may reject such request and inform the respective competent authority (ies) of its reasons. The Commission shall publish the results of its assessment.***		
Article 33(1a)				
368a			***1a. When a Member State requests the Commission to open an investigation pursuant to Article 16 because it considers that there are reasonable grounds to suspect that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), the Commission shall within four months examine***	***1a. One or more Member State may request the Commission to open an investigation pursuant to Article 16 because it considers that there are reasonable grounds to suspect that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 [and has maintained, further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1)].***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			whether there are reasonable grounds to open such an investigation and the result of such examination shall be published.	
Article 33(1b)				
368b			***1b. When three or more Member States request the Commission to open an investigation pursuant to Article 17 because they consider that there are reasonable grounds to suspect that one or more services within the digital sector should be added to the list of core platform services pursuant to Article 2(2) or that there are reasonable grounds to suspect that one or several types of practices are not effectively addressed by this Regulation and may limit the contestability of core platform services or may be unfair, the Commission shall within four months examine whether there are***	***1b. Three or more Member States may request the Commission to open an investigation pursuant to Article 17 because they consider that there are reasonable grounds to suspect that one or more services within the digital sector should be added to the list of core platform services pursuant to Article 2(2) or that there are reasonable grounds to suspect that one or several types of practices are not effectively addressed by this Regulation and may limit the contestability of core platform services or may be unfair.***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			reasonable grounds to open such an investigation and the result of such examination shall be published.	
Article 33(2)				
369	2. Member States shall submit evidence in support of their request.	*deleted*	2. Member States shall submit evidence in support of their request ***pursuant to paragraphs 1, 1a and 1b. For requests pursuant to paragraph 1b, such evidence may include information on newly introduced offers of products, services, software or features which raise concerns of contestability or fairness, whether implemented in the context of existing core platform services or otherwise***.	2. Member States shall submit evidence in support of their request ***pursuant to paragraphs 1, 1a and 1b. For requests pursuant to paragraph 1b, such evidence may include information on newly introduced offers of products, services, software or features which raise concerns of contestability or fairness, whether implemented in the context of existing core platform services or otherwise.*** ***2a. The Commission shall within four months examine whether there are reasonable grounds to open an investigation pusuant to paragraphs 1a, 1b or 1c.***

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				2b. Where the Commission considers that there are insufficient grounds for initiating proceedings, it may reject such request and inform the respective Member States of its reasons. The Commission shall publish the results of its assessment.
Chapter VI				
370	Chapter VI General provisions	Chapter VI General provisions	Chapter VI General provisions	Chapter VI General provisions
Article 34				
371	Article 34 Publication of decisions	Article 34 Publication of decisions	Article 34 Publication of decisions	Article 34 Publication of decisions
Article 34(1)				
372	1. The Commission shall publish the decisions which it takes pursuant to Articles 3, 7, 8, 9, 15, 16, 17, 22, 23(1), 25, 26 and 27. Such publication shall state the	1. The Commission shall publish the decisions which it takes pursuant to Articles 3, 7, 8, 9, 15, 16, 17, 22, 23(1), 25, 26 and 27. Such publication shall state the	1. The Commission shall publish the decisions which it takes pursuant to Articles 3, ~~7~~***4, 7(2)***, 8, 9, ***14,*** 15, 16, 17***, 18***, 22, 23(1), 25, 26 and 27. Such publication	1. The Commission shall publish the decisions which it takes pursuant to Articles 3, ~~7~~***4, 7(2)***, 8, 9, ***14,*** 15, 16, 17***, 18***, 22, 23(1), 25, 26 and 27. Such publication

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	names of the parties and the main content of the decision, including any penalties imposed.	names of the parties and the main content of the decision, including any penalties imposed.	shall state the names of the parties and the main content of the decision, including any penalties imposed.	shall state the names of the parties and the main content of the decision, including any penalties imposed.
Article 34(2)				
G 373	2. The publication shall have regard to the legitimate interest of gatekeepers or third parties in the protection of their confidential information.	2. The publication shall have regard to the legitimate interest of gatekeepers or third parties in the protection of their confidential information.	2. The publication shall have regard to the legitimate interest of gatekeepers or third parties in the protection of their confidential information.	2. The publication shall have regard to the legitimate interest of gatekeepers or third parties in the protection of their confidential information. G
Article 35				
Y 374	Article 35 Review by the Court of Justice of the European Union	Article 35 Review by the Court of Justice of the European Union	Article 35 Review by the Court of Justice ~~of the European Union~~	Article 35 Review by the Court of Justice of the European Union Y
Article 35, first paragraph				
Y 375	In accordance with Article 261 of the Treaty on the Functioning of the European Union, the Court of Justice of the European Union has unlimited jurisdiction to review	In accordance with Article 261 of the Treaty on the Functioning of the European Union, the Court of Justice of the European Union has unlimited jurisdiction to review	In accordance with Article 261 of the ~~Treaty on the Functioning of the European Union~~ ***TFEU***, the Court of Justice ~~of the European Union~~ has unlimited jurisdiction to	In accordance with Article 261 of the Treaty on the Functioning of the European Union, the Court of Justice of the European Union has unlimited jurisdiction to review Y

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	decisions by which the Commission has imposed fines or periodic penalty payments. It may cancel, reduce or increase the fine or periodic penalty payment imposed.	decisions by which the Commission has imposed fines or periodic penalty payments. It may cancel, reduce or increase the fine or periodic penalty payment imposed.	review decisions by which the Commission has imposed fines or periodic penalty payments. It may cancel, reduce or increase the fine or periodic penalty payment imposed.	decisions by which the Commission has imposed fines or periodic penalty payments. It may cancel, reduce or increase the fine or periodic penalty payment imposed.
Article 36				
376	Article 36 Implementing provisions	Article 36 ~~*Implementing provisions*~~***Detailed arrangements***	Article 36 Implementing provisions	Article 36 Implementing provisions
Article 36(1), introductory part				
377	1. The Commission may adopt implementing acts concerning: 3, 6, 12, 13, 15, 16, 17, 20, 22, 23, 25 and 30	1. The Commission may adopt implementing acts ~~*concerning: 3, 6, 12, 13, 15, 16, 17, 20, 22, 23, 25 and 30*~~***laying down detailed arrangements for the application of the following:***	1. The Commission may adopt implementing acts concerning: ~~*3, 6, 12, 13, 15, 16, 17, 20, 22, 23, 25 and 30*~~	1. The Commission may adopt implementing acts ~~*concerning: 3, 6, 12, 13, 15, 16, 17, 20, 22, 23, 25 and 30*~~***laying down detailed arrangements for the application of the following:***
Article 36(1), point (a)				
378	(a) the form, content and other details of notifications and	(a) the form, content and other details of notifications and	(a) the form, content and other details of notifications and submissions pursuant	(a) the form, content and other details of notifications and

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	submissions pursuant to Article 3;	submissions pursuant to Article 3;	to Article 3;	submissions pursuant to Article 3;
Article 36(1), point (aa)				
378a		***(aa) the form, content and other details on how choice is to be provided and consent is to be given, pursuant to Article 5 point (a);***		
Article 36(1), point (ab)				
378b		***(ab) the form, content and other details on how information on price and remuneration are to be given, pursuant to Article 5 point (g);***		
Article 36(1), point (b)				
379	(b) the form, content and other details of the technical measures that gatekeepers shall implement in order to ensure compliance with points (h), (i) and (j) of Article 6(1).	(b) the form, content and other details of the technical measures that gatekeepers shall implement in order to ensure compliance with points (h), (i) and (j) of Article 6(1).	(b) the form, content and other details of the technical measures that gatekeepers shall implement in order to ensure compliance with ~~*points (h), (i) and (j) of*~~ Article 6(1)~~.~~***;***	(b) the form, content and other details of the technical measures that gatekeepers shall implement in order to ensure compliance with ~~*points (h), (i) and (j) of*~~***Article 5 or*** Article 6(1)~~.~~***;***

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Article 36(1), point (ba)				
379a			***(ba) the form, content and other details of the reasoned request pursuant to Article 7(7);***	***(ba) the form, content and other details of the reasoned request pursuant to Article 7(7);***
Article 36(1), point (bb)				
379b			***(bb) the form, content and other details of the reasoned requests pursuant to Articles 8 and 9;***	***(bb) the form, content and other details of the reasoned requests pursuant to Articles 8 and 9;***
Article 36(1), point (bc)				
379c			***(bc) the form, content and other details of the regulatory reports delivered pursuant to Article 9a;***	***(bc) the form, content and other details of the regulatory reports delivered pursuant to Article 9a;***
Article 36(1), point (c)				
380	(c) the form, content and other details of notifications and submissions made pursuant	(c) the form, content and other details of notifications and submissions made pursuant	(c) the form, content and other details of notifications and submissions made pursuant to Articles 12 and	(c) the form, content and other details of notifications and submissions made pursuant

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	to Articles 12 and 13;	to Articles 12 and 13;	13;	to Articles 12 and 13;
Article 36(1), point (d)				
381	(d) the practical arrangements of extension of deadlines as provided in Article 16;	(d) the practical arrangements of extension of deadlines as provided in Article 16;	(d) the practical arrangements of extension of deadlines as provided in Article 16;	(d) the practical arrangements of extension of deadlines as provided in Article 16;
Article 36(1), point (e)				
382	(e) the practical arrangements of the proceedings concerning investigations pursuant to Articles 15, 16, 17, and proceedings pursuant to Articles 22, 23 and 25;	(e) the practical arrangements of the proceedings concerning investigations pursuant to Articles 15, 16, 17, and proceedings pursuant to Articles 22, 23 and 25;	(e) the practical arrangements of the proceedings concerning investigations pursuant to Articles 15, 16, 17, and proceedings pursuant to Articles 22, 23 and 25;	(e) the practical arrangements of the proceedings concerning investigations pursuant to Articles 15, 16, 17, and proceedings pursuant to Articles 22, 23 and 25;
Article 36(1), point (f)				
383	(f) the practical arrangements for exercising rights to be heard provided for in Article 30;	(f) the practical arrangements for exercising rights to be heard provided for in Article 30;	(f) the practical arrangements for exercising rights to be heard provided for in Article 30;	(f) the practical arrangements for exercising rights to be heard provided for in Article 30;
Article 36(1), point (g)				
384	(g) the practical arrangements for the	(g) the practical arrangements for the	(g) the practical arrangements for the	(g) the practical arrangements for the

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	negotiated disclosure of information provided for in Article 30;	negotiated disclosure of information provided for in Article 30;	negotiated disclosure of information provided for in Article 30;	negotiated disclosure of information provided for in Article 30;
Article 36(1), point (ga)				
384a			***(ga) the practical arrangements for the cooperation and coordination between the Commission and Member States provided for in Article 32a.***	***(ga) the practical arrangements for the cooperation and coordination between the Commission and national authorities provided for in Articles [X] and [XI].***
Article 36(1), point (ga)				
384b		***(ga) the practical arrangements for the cooperation and coordination between the Commission and Member States provided for in Article 31d.***		
Article 36(1), point (gc)				
384c				***(gc) the methodology and procedure for the audited description of techniques used for profiling of consumers. When***

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				developing a draft implementing act, the Commission shall consult the European Data Protection Supervisor and may consult the European Data Protection Board, civil society and other relevant experts .
Article 36(1), point (h)				
385	(h) THIS POINT IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.	(h) THIS POINT IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.	*deleted*	
Article 36(2)				
R *386*	*2.* the practical arrangements for the cooperation and coordination between the Commission and Member States provided for in Article 1(7).Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 32(4). Before the adoption of any measures pursuant to	2. ~~*the practical arrangements for the cooperation and coordination between the Commission and Member States provided for in Article 1(7).*~~Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 32(4). Before the adoption of any measures pursuant to	2. ~~*the practical arrangements for the cooperation and coordination between the Commission and Member States provided for*~~***Implementing acts laid down in points (a) to (g) of paragraph 1 shall be adopted in accordance with the advisory procedure referred to*** in Article ~~*1(7)*~~***37a(2)***~~*.Those*~~	R

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within the time limit it lays down, which may not be less than one month.	paragraph 1, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within the time limit it lays down, which may not be less than one month.	Implementing ~~acts~~***act laid down in point (ga) of paragraph 1*** shall be adopted in accordance with the ~~advisory~~***examination*** procedure referred to in Article ~~32(4)~~***37a(2a)***. Before the adoption of any measures pursuant to paragraph 1, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within the time limit it lays down, which may not be less than one month.	
Article 36a				
386a		***Article 36a Guidelines*** ***To facilitate the compliance of gatekeepers with and the enforcement of the obligations in Articles 5, 6, 12 and 13, the Commission may accompany the obligations set out in those Articles with guidelines, where the Commission deems that***		***Article 36a The Commission may adopt guidelines on any of the aspects of this Regulation in order to facilitate its effective implementation and enforcement.***

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		this is appropriate. Where appropriate and necessary, the Commission may mandate the standardisation bodies to facilitate the implementation of the obligations by developing appropriate standards.		
Article 36b				
386b				***Article 36b Standardisation Where appropriate and necessary, the Commission may mandate European standardisation bodies to facilitate the implementation of the obligations by developing appropriate standards.***
Article 37				
387	Article 37 Exercise of the delegation	Article 37 Exercise of the delegation	Article 37 Exercise of the delegation	Article 37 Exercise of the delegation
Article 37(1)				
388	1. The power to adopt	1. The power to adopt	1. The power to adopt	1. The power to adopt

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
Article 37(2)				
389	2. The power to adopt delegated acts referred to in Articles 3(6) and 9(1) shall be conferred on the Commission for a period of five years from DD/MM/YYYY. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in Articles 3(6) and ~~*9(1)*~~***10*** shall be conferred on the Commission for a period of five years from DD/MM/YYYY. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in ~~*Articles 3(6) and 9(1)*~~***Article 3(5) and (5a) and Article 10(1)*** shall be conferred on the Commission for a period of five years from DD/MM/YYYY. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in ~~*Articles 3(6) and 9(1)*~~***Article 3(5) and (5a) and Article 10(1)*** shall be conferred on the Commission for a period of five years from DD/MM/YYYY. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

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Article 37(3)				
390	3. The delegation of power referred to in Articles 3(6) and 9(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles 3(6) and ~~9(1)~~***10*** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles ~~3(6) and 9(1)~~***3(5) and (5a) and Article 10(1)*** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
Article 37(4)				
391	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional

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	Agreement of 13 April 2016 on Better Law-Making.	Agreement of 13 April 2016 on Better Law-Making.	Agreement of 13 April 2016 on Better Law-Making.	Agreement of 13 April 2016 on Better Law-Making.
Article 37(5)				
392	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
Article 37(6)				
393	6. A delegated act adopted pursuant to Articles 3(6) and 9(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period	6. A delegated act adopted pursuant to Articles 3(6) and 9(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period	6. A delegated act adopted pursuant to Articles ~~3(6) and 9(1)~~***3(5) and (5a) and Article 10(1)*** shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the	6. A delegated act adopted pursuant to Articles ~~3(6) and 9(1)~~***3(5) and (5a) and Article 10(1)*** shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the

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	shall be extended by two months at the initiative of the European Parliament or of the Council.	shall be extended by two months at the initiative of the European Parliament or of the Council.	Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.
Article 37a				
393a		***Article 37a*** ***Amendment to Directive (EU) 2019/1937*** ***In Part XX of the Annex to Directive (EU) 2019/1937, the following point is added:*** ***"Regulation (EU) …../… of the European Parliament and of the Council of … on XX (EU) 2021/XXX, and amending Directive (EU) 2019/37 (OJ L …).***		***Article 37a*** ***Reporting of breaches and protection of reporting persons*** ***Directive (EU) 2019/1937 shall apply to the reporting of all breaches of this Regulation and the protection of persons reporting such breaches.***
Article 37b				
393b				***Article 37b*** ***Amendment to Directive***

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				(EU) No 2019/1937 ***In Point J of Part I of the Annex to Directive (EU) No 2019/1937, the following point is added:*** ***'(iv) Regulation […] of the European Parliament and of the Council, of […], on contestable and fair markets in the digital sector.'***
Article 37a				
393c			***Article 37a*** ***Committee procedure***	
Article 37a(1)				
393d			***1. The Commission shall be assisted by a committee ('the Digital Markets Advisory Committee'). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.***	
Article 37a(2)				
393e			***2. Where reference is***	

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			made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	
Article 37a(3)				
393f			***3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.***	
Article 37a(4)				
393g			***4. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.***	
Article 37a(5)				
393h			***5. The Commission shall***	

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			communicate the opinion of the committee to the addressee of an individual decision, together with that decision. It shall make the opinion public together with the individual decision, having regard to the legitimate interest in the protection of professional secrecy.	
Article 37d				
393i				
Article 37b				
393j		***Article 37b Amendments to Directive (EU) 2020/1828 on Representative Actions for the Protection of the Collective Interests of Consumers*** ***The following is added to Annex I:*** ***"(X) Regulation of the European Parliament and of the Council on contestable and fair***		

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		markets in the digital sector (Digital Markets Act)"		
Article 37b				
393k			***Article 37b Guidelines***	
Article 37b, first paragraph				
393l			***The Commission may adopt guidelines on any of the aspects of this Regulation in order to facilitate its effective implementation and enforcement.***	
Article 38				
394	Article 38 Review	Article 38 Review	Article 38 Review	Article 38 Review
Article 38(1)				
395	1. By DD/MM/YYYY, and subsequently every three years, the Commission shall evaluate	1. By DD/MM/YYYY, and subsequently every three years, the Commission shall evaluate	1. By DD/MM/YYYY, and subsequently every three years, the Commission shall evaluate	1. By DD/MM/YYYY, and subsequently every three years, the Commission shall evaluate

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.	this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.	this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.	this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee. ***2. The evaluation shall assess whether the aims of this Regulation of ensuring contestable and fair markets have been achieved and assess the impact of this Regulation on business-users, especially small and medium-sized enterprises and end-users.***
Article 38(2)				
396	2. The evaluations shall establish whether additional rules, including regarding the list of core platform services laid down in point 2 of Article 2, the obligations laid down in Articles 5 and 6 and their enforcement, may be required to ensure that digital markets across the Union are contestable and fair. Following the evaluations, the	2. The evaluations shall establish whether additional rules, including regarding the list of core platform services laid down in point 2 of Article 2, the obligations laid down in Articles 5 and 6 and their enforcement, may be required to ensure that digital markets across the Union are contestable and fair. Following the evaluations, the	2. The evaluations shall establish whether ~~additional~~***it is required to modify, add or remove*** rules, including regarding the list of core platform services laid down in point 2 of Article 2, the obligations laid down in Articles 5 and 6 and their enforcement, ~~may be required~~ to ensure that digital markets across the Union are contestable and	2. The evaluations shall establish whether ~~additional~~***it is required to modify*** rules, including regarding the list of core platform services laid down in point 2 of Article 2, the obligations laid down in Articles 5 and 6 and their enforcement, ~~may be required~~ to ensure that digital markets across the Union are contestable and fair. Following the

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	Commission shall take appropriate measures, which may include legislative proposals.	Commission shall take appropriate measures, which may include legislative proposals.	fair. Following the evaluations, the Commission shall take appropriate measures, which may include legislative proposals.	evaluations, the Commission shall take appropriate measures, which may include legislative proposals.
Article 38(3)				
397	3. Member States shall provide any relevant information they have that the Commission may require for the purposes of drawing up the report referred to in paragraph 1.	3. Member States shall provide any relevant information they have that the Commission may require for the purposes of drawing up the report referred to in paragraph 1.	3. ***The competent authorities of*** Member States shall provide any relevant information they have that the Commission may require for the purposes of drawing up the report referred to in paragraph 1.	3. ***The competent authorities of*** Member States shall provide any relevant information they have that the Commission may require for the purposes of drawing up the report referred to in paragraph 1.
Article 39				
398	Article 39 Entry into force and application	Article 39 Entry into force and application	Article 39 Entry into force and application	Article 39 Entry into force and application
Article 39(1)				
399	1. This Regulation shall enter into force on the twentieth day following that of its publication in the	1. This Regulation shall enter into force on the twentieth day following that of its publication in the	1. This Regulation shall enter into force on the twentieth day following that of its publication in the	1. This Regulation shall enter into force on the twentieth day following that of its publication in the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Official Journal of the European Union.	Official Journal of the European Union.	Official Journal of the European Union.	Official Journal of the European Union.
Article 39(2), introductory part				
400	2. This Regulation shall apply from six months after its entry into force.	2. This Regulation shall apply from ~~six~~***two*** months after its entry into force.	2. This Regulation shall apply from six months after its entry into force.	2. This Regulation shall apply from ~~six~~***four*** months after its entry into force.
Article 39(2), first paragraph				
401	However Articles 3, 15, 18, 19, 20, 21, 26, 27, 30, 31 and 34 shall apply from [date of entry into force of this Regulation].	However Articles 3, 15, 18, 19, 20, 21, 26, 27, 30, 31 and 34 shall apply from [date of entry into force of this Regulation].	~~However Articles 3, 15, 18, 19, 20, 21, 26, 27, 30, 31 and 34~~***By way of derogation Articles 3(5) and (5a) and Articles 36, 37 and 37a*** shall apply from [date of entry into force of this Regulation].	~~However~~***By way of derogation*** Articles ~~3, 15, 18, 19, 20, 21, 26, 27, 30, 31 and 34~~***3(5) and (5a) and Articles 36, 36a, 36b, 31a, 31b, [31c], [31d], 37 and 37a/ 32*** shall apply from [date of entry into force of this Regulation].
Article 39(3)				
402	3. This Regulation shall be binding in its entirety and directly applicable in all Member States.	3. This Regulation shall be binding in its entirety and directly applicable in all Member States.	3. This Regulation shall be binding in its entirety and directly applicable in all Member States.	3. This Regulation shall be binding in its entirety and directly applicable in all Member States.
Formula				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
403	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels,
Formula				
404	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament
Formula				
405	The President	The President	The President	The President
Formula				
406	For the Council	For the Council	For the Council	For the Council
Formula				
407	The President	The President	The President	The President

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