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**Interinstitutional files:  
2018/0112(COD)**

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**Brussels, 07 September 2018**

**WK 10203/2018 INIT**

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| From:    | BE delegation                                                                                       |
| To:      | Working Party on Competitiveness and Growth (Internal Market)                                       |
| Subject: | BE drafting suggestions for Platform-to-Business Regulation Proposal (new Articles 13bis and 13ter) |

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# COMPCRO Working Party (7.09.2018) - ROOM DOCUMENT

## Belgian Proposals

### 1. Article13bis new - Enforcement

*« 1. Each Member State shall designate a body or bodies responsible for adequate and effective enforcement of this Regulation.*

*2. Member States shall lay down the rules setting out the measures applicable to infringements of the provisions of this Regulation and shall ensure that they are implemented. The measures provided for shall be effective, proportionate and dissuasive.*

*3. The measures referred to in paragraph 2 shall be communicated to the Commission and made publicly available on the Commission's website. »*

#### Rationale:

Though most of the provisions concern only transparency requirements and constitute general principles of contract law, they will not bring any added value unless enforcement can be guaranteed. This provision is based on art. 7 of Regulation 2018/302 on geo-blocking.

### 2. Article 13ter new - Terms on applicable law

*« The business user shall not lose the protection granted by this Regulation by virtue of the choice of the law of a non-Member country as the law applicable to the contract if the latter has a close connection with the territory of a Member State. »*

#### Rationale:

It has to be avoided that the protection given by this Regulated doesn't apply as the consequence of terms on applicable law. This proposal is inspired by article 6.2. Unfair Terms Directive 1993/13.

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