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WORKING PAPER

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From:	BG delegation
To:	Working Party on Technical Harmonisation (Goods package)
Subject:	BG comments on Article 14 (following the WP meeting on 21 January)

New RO Presidency proposal for Article 14

Text in **green** - Agreed, Text in **yellow** - For possible agreement, Text in **red** - For further discussion, Text in **blue** - RO PCY compromise

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
ARTICLE 14				
186	Article 14 Powers and duties of market surveillance authorities	Article 14 Powers and duties of market surveillance authorities	Article 14 Powers and duties of market surveillance authorities	Article 14 Powers and duties of market surveillance authorities
ARTICLE 14 - PARAGRAPH 1				
187	1. Member States shall confer on their market surveillance authorities the powers of market surveillance, investigation and enforcement necessary for the application of this Regulation and for the application of the Union harmonisation legislation set out in the Annex to this Regulation.	1. Member States shall confer on their market surveillance authorities the powers of market surveillance, including the market surveillance of counterfeit products and products sold online , investigation and enforcement necessary for the application of this Regulation and for the application of the Union	1. Member States shall confer on their market surveillance authorities the powers of market surveillance, investigation and enforcement necessary for the application of this Regulation and for the application of the Union harmonisation legislation set out in the Annex to this Regulation.	1. Member States shall confer on their market surveillance authorities the powers of market surveillance, investigation and enforcement necessary for the application of this Regulation and for the application of the Union harmonisation legislation set out in the Annex to this Regulation.

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		<p>harmonisation legislation set out in the Annex to this Regulation: <i>and shall provide them with the necessary resources in that regard.</i></p> <p>AM 100</p>		
ARTICLE 14 - PARAGRAPH 1 a (new)				
187A		<p><i>1a. Market surveillance authorities shall exercise the powers set out in this Article in accordance with the principle of proportionality, to the extent that relates to the subject matter, the purpose of the actions and the nature and the overall actual or potential harm of the instance of non-compliance, efficiently and effectively and in accordance with Union and national law, including the principles</i></p>	<p><u>1a. Market surveillance authorities shall exercise their powers and duties set out in this Article efficiently and effectively and in accordance with the principle of proportionality, to the extent that relates to the subject matter, and the purpose of the measures and the nature and the overall actual or potential harm of the instance of non-compliance. Powers shall be implemented and exercised in accordance with Union and national</u></p>	<p><u>1a. Market surveillance authorities shall exercise their powers and duties set out in this Article efficiently and effectively and in accordance with the principle of proportionality, to the extent that relates to the subject matter, the purpose of the measures and the nature and the overall actual or potential harm of the instance of non-compliance. Powers shall be implemented and exercised in accordance with Union and national law, including the principles of the Charter of Fundamental Rights of the European Union, as well as principles in national law relating to freedom of expression and the freedom and pluralism of the media, applicable procedural safeguards and the Union</u></p>

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		<p><i>of the Charter of Fundamental Rights of the European Union, applicable procedural safeguards and the Union rules on data protection, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council.</i></p> <p>AM 101</p>	<p><u>law, including the principles of the Charter of Fundamental Rights of the European Union, as well as principles in national law relating to freedom of expression and the freedom and pluralism of the media, applicable procedural safeguards and the Union rules on data protection, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council.</u></p>	<p><u>rules on data protection, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council.</u></p>
ARTICLE 14 - PARAGRAPH 1 b (new)				
187B		<p><i>1b. Notwithstanding paragraph 1, Member States may decide not to confer all the powers on every competent authority, provided that each of those powers can be exercised effectively in accordance with paragraph 2.</i></p>		<p><u>1. 1b. Notwithstanding paragraph 1, Member States may decide not to confer all the powers on every competent authority, provided that each of those powers can be exercised effectively in accordance with paragraph 2.</u> <i>/To be checked if this provision is necessary subject to overall agreement on powers related to websites./</i></p>

Commented [A1]: Better to be kept.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 102		
ARTICLE 14 - PARAGRAPH 2				
188	2. When conferring powers under paragraph 1, including a power required by paragraph 3, Member States may provide for the power to be exercisable in one of the following ways as appropriate:	2. When conferring powers under paragraph 1, including a power required by paragraph 3, Member States may provide for the power to be exercisable in one of the following ways as appropriate: AM 103	2. When conferring powers under paragraph 1, including a power required by paragraph 3, Member States may provide for the power to be exercisable in one of the following ways as appropriate:	2. When conferring powers under paragraph 1, including a power required by paragraph 3, Member States may provide for the power to be exercisable in one of the following ways as appropriate:
ARTICLE 14 - PARAGRAPH 2 - POINT a				
189	(a) directly by the market surveillance authorities under their own authority;	(a) directly by the market surveillance authorities under their own authority;	(a) directly by the market surveillance authorities under their own authority;	(a) directly by the market surveillance authorities under their own authority;
ARTICLE 14 - PARAGRAPH 2 - POINT b				
190	(b) by recourse to other public authorities;	(b) by where appropriate, upon recourse to other public authorities, <i>in accordance</i>	<u>(b) where appropriate,</u> by recourse to other public authorities, <u>in accordance with the division of powers</u>	(b) <i>where appropriate,</i> by recourse to other public authorities, <i>in accordance with the division of powers and the institutional and administrative organisation of the Member State in</i>

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		<i>with the division of powers and the institutional and administrative organisation of the Member State in question;</i> AM 104	<u>and the institutional and administrative organisation of the Member State in question;</u>	question;
ARTICLE 14 - PARAGRAPH 2 - POINT c				
191	(c) by application to courts competent to grant the necessary decision to approve the exercise of that power.	(c) by application to courts competent to grant the necessary decision to approve the exercise of that power, <i>including, where appropriate, by appeal, if the application to grant the necessary decision is not successful.</i> AM 105	(c) by application to courts competent to grant the necessary decision to approve the exercise of that power, <u>including, where appropriate, by appeal, if the application to grant the necessary decision is not successful.</u>	(c) by application to courts competent to grant the necessary decision to approve the exercise of that power, <i>including, where appropriate, by appeal, if the application to grant the necessary decision is not successful.</i>
ARTICLE 14 - PARAGRAPH 3				
192	3. The powers conferred on market surveillance authorities under	3. The powers conferred on market surveillance authorities under	3. The powers conferred on market surveillance authorities under paragraph	3. The powers conferred on market surveillance authorities under paragraph 1 shall include <i>at least</i> the following

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1 shall include the following powers as a minimum:	paragraph 1 shall include at least the following powers as a minimum: AM 106	1 shall include the following powers as a minimum:	powers as a minimum:
ARTICLE 14 - PARAGRAPH 3 - POINT a				
193	(a) the power to require economic operators to provide information necessary to determine the frequency of checks under Article 15, including information about the number of products on the market and the activities of those operators;	(a) the power to require economic operators to provide information necessary to determine the frequency of checks under Article 15, including information about the number of products on the market and the activities of those operators;	(a) the power to require economic operators to provide information necessary to determine the frequency of checks under Article 15, including information about the number of products on the market and the activities of those operators;	See text in row 195
ARTICLE 14 - PARAGRAPH 3 - POINT b				
194	(b) the power to perform system audits of economic operators' organisations, including audits of any procedures that they have in place to ensure compliance with	(b) the power to perform system audits of economic operators' organisations, including audits of any procedures that they have in place to ensure compliance with this	(b) the power to perform system audits of economic operators' organisations, including audits of any procedures that they have in place to ensure compliance with this Regulation and	Deleted

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	this Regulation and with applicable Union harmonisation legislation;	Regulation and with applicable Union harmonisation legislation; AM 107	with applicable Union harmonisation legislation;	
ARTICLE 14 - PARAGRAPH 3 - POINT c				
195	(c) the power to have access to any relevant document, data or information related to an instance of non-compliance, in any form or format and irrespective of its storage medium or the place where it is stored;	(c) the power to have access to any relevant documents, <i>technical specifications</i> , data or information related to an instance of non-compliance, <i>including access to software and algorithms that control the product, insofar as necessary to assess compliance of the product with applicable Union product harmonisation legislation</i> in any form or format and irrespective of its storage medium or the place where it is stored; AM 108	(c) the power to have access to any relevant document, data or information related to an instance of non-compliance, in any form or format and irrespective of its storage medium or the place where it is stored;	<u>(a) the powers to require economic operators to provide relevant documents, technical specifications, data or information on compliance and technical aspects of the product, including access to software that controls the product, insofar as necessary to assess compliance of the product with applicable Union harmonisation legislation, in any form or format and irrespective of its storage medium or the place where it is stored, and to take or obtain copies of this information;</u> <u>(b) the powers to require economic operators to provide relevant information on the supply chain, the details of distribution network, on quantities of products on the market and on other product models, that have the same technical</u>

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				<u>characteristics as a product in question, where relevant for compliance with the applicable requirements under Union harmonisation legislation;</u>
ARTICLE 14 - PARAGRAPH 3 - POINT d				
196	(d) the power to require any public authority, body or agency within the market surveillance authority's Member State, or any natural or legal person, to provide any information, data or document, in any form or format and irrespective of its storage medium or the place where it is stored, for the purposes of enabling the market surveillance authority to investigate whether any non-compliance has occurred or is occurring and to establish the details of that non-	(d) the power to require any public authority, body or agency within the market surveillance authority's Member State, or any natural or legal person, to provide any relevant information, data or document, in any form or format and irrespective of its storage medium or the place where it is stored, for the purposes of enabling the market surveillance authority to investigate whether any non-compliance has occurred or is occurring and to establish the details	(d) the power to require any public authority, body or agency within the market surveillance authority's Member State, or any natural or legal person, to provide any information, data or document, in any form or format and irrespective of its storage medium or the place where it is stored, for the purposes of enabling the market surveillance authority to investigate whether any non-compliance has occurred or is occurring and to establish the details of that non-compliance, including in particular information, data	<u>(c) the powers to require economic operators to provide relevant information required for the purpose of ascertaining the ownership of websites, when the information in question is related to the subject matter of the investigation;</u>

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	compliance, including in particular information, data or documents required for the purposes of identifying and tracing financial and data flows, ascertaining the identity and contact details of persons involved in financial and data flows and ascertaining bank account information and the ownership of websites;	of that non-compliance, including in particular information, data or documents required for the purposes of identifying and tracing financial and data flows, ascertaining the identity and contact details of persons involved in financial and data flows and ascertaining bank account information and the ownership of websites, <i>when the information, data or document in question is related to the subject matter of the investigation;</i> AM 109	or documents required for the purposes of identifying and tracing financial and data flows, ascertaining the identity and contact details of persons involved in financial and data flows and ascertaining bank account information and the ownership of websites;	
ARTICLE 14 - PARAGRAPH 3 - POINT e				
197	(e) the power to do any of the following, or to request another public authority to do any of the following, for the	(e) the power to do any of the following, or to request another public authority to do any of the following, for the	(e) the power to do any of the following, or to request another public authority to do any of the following, for the purposes of an	(e) the powers <u>to carry out, without prior announcement, on-site inspections and physical checks;</u> <i>Drafting based on Council's text in row</i>

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	purposes of an investigation by the market surveillance authority or at the request of an applicant authority:	purposes of an investigation by the market surveillance authority or at the request of an applicant authority:	investigation by the market surveillance authority or at the request of an applicant authority;	209A
ARTICLE 14 - PARAGRAPH 3 - POINT e - POINT 1				
198	(1) to carry out on-site inspections, including power to enter any premises, land or means of transport that the economic operator in question uses for purposes related to his trade, business, craft or profession, in order to examine, seize, take or obtain copies of information, data or documents, irrespective of their storage medium;	(1) to carry out on-site inspections, including power to enter any premises, land or means of transport that the economic operator in question uses for purposes related to his trade, business, craft or profession, in order to examine, seize, take or obtain copies of information, data or documents, irrespective of their storage medium;	(1) to carry out on-site inspections, including power to enter any premises, land or means of transport that the economic operator in question uses for purposes related to his trade, business, craft or profession, in order to examine, seize, take or obtain copies of information, data or documents, irrespective of their storage medium;	<p><u>(ca) the powers to enter any premises, land or means of transport that the economic operator in question uses for purposes related to his trade, business, craft or profession, in order to detect non-compliance and obtain evidence;</u></p> <p><i>Drafting based on Council's text in row 209C</i></p>
ARTICLE 14 - PARAGRAPH 3 - POINT e - POINT 2				
199	(2) to seal any premises or seize any information,	(2) to seal any premises or seize any information,	(2) to seal any premises or seize any information, data	<i>Deleted</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	data or documents of an economic operator during the inspection for a necessary period and to the extent necessary for the purposes of the investigation;	data or documents of an economic operator during the inspection for a necessary period and to the extent necessary for the purposes of the investigation;	or documents of an economic operator during the inspection for a necessary period and to the extent necessary for the purposes of the investigation;	
ARTICLE 14 - PARAGRAPH 3 - POINT e - POINT 3				
200	(3) to request any representative or member of staff of the economic operator to give explanations of facts, information or documents relating to the subject-matter of the inspection and to record their answers;	(3) to request any a representative or of economic operator or a relevant member of staff of the economic operator to give explanations of or provide facts, information or documents relating to the subject-matter of the inspection and to record their answers; AM 110	(3) to request any representative or member of staff of the economic operator to give explanations of facts, information or documents relating to the subject-matter of the inspection and to record their answers;	Deleted
ARTICLE 14 - PARAGRAPH 3 - POINT f				
201	(f) the power to take samples of products free of charge in order to	(f) the power to take samples of products free of charge in order to	(f) the power to take samples of products free of charge in order to detect	(f) powers to take acquire product samples, including under a cover identity, to inspect them and to reverse-engineer them in order to

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	detect non-compliance and obtain evidence;	detect non-compliance and obtain evidence <i>to the extent that this is proportionate with regard to the value of the product and the severity of non-compliance</i> ; AM 111	non-compliance and obtain evidence;	detect non-compliance and obtain evidence; <i>See rows 209B and 209C</i>
ARTICLE 14 - PARAGRAPH 3 - POINT g				
202	(g) the power to purchase products as test purchases, including under a cover identity, in order to detect non-compliance and obtain evidence;	(g) the power to purchase products, <i>also the ones sold online</i> , as test purchases, including under a cover identity, <i>to inspect them and to reverse-engineer them</i> in order to detect non-compliance <i>under this Regulation</i> and obtain evidence; AM 112	(g) the power to purchase products as test purchases, including under a cover identity, in order to detect non-compliance and obtain evidence;	<i>See row 201</i>
ARTICLE 14 - PARAGRAPH 3 - POINT h				
203	(h) the power to take	(h) the power to take	(h) the power to take	<i>See rows 209F-209I</i>

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	temporary measures, where there are no other effective means available to prevent a serious risk, including in particular temporary measures requiring hosting service providers to remove, disable or restrict access to content or to suspend or restrict access to a website, service or account or requiring domain registries or registrars to put a fully qualified domain name on hold for a specific period of time;	temporary adopt measures, when duly justified and proportionate and where there are no other effective means available to prevent a serious risk, including in particular temporary measures requiring hosting service providers to remove, disable or restrict fully or partially access to content or to suspend or restrict access to a website, service or account or requiring domain registries or registrars to put a fully qualified domain name on hold for a specific period of time; AM 113	temporary measures, where there are no other effective means available to prevent a serious risk, including in particular temporary measures requiring hosting service providers to remove, disable or restrict access to content or to suspend or restrict access to a website, service or account or requiring domain registries or registrars to put a fully qualified domain name on hold for a specific period of time;	
ARTICLE 14 - PARAGRAPH 3 - POINT i				
204	(i) the power to start investigations or proceedings on their own	(i) the power to start investigations or proceedings on their own	(i) the powers to start investigations or proceedings on their own	(i) the powers to start investigations or proceedings on their own initiative in order to identify non-compliances and

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	initiative in order to bring an instance of non-compliance within the territory of the Member State concerned to an end and, where appropriate, to publish information about the investigation through the system referred to in Article 34;	initiative in order to bring an instance of non-compliance within the territory of the Member State concerned to an end and, where appropriate, to publish information about the investigation through the system referred to in Article 34;	initiative in order to <u>identify non-compliances and</u> bring an instance of non-compliance within the territory of the Member State concerned to an end and, where appropriate, to publish information about the investigation through the system referred to in Article 34 <u>them to an end</u> ;	bring an instance of non-compliance within the territory of the Member State concerned to an end and, where appropriate, to publish information about the investigation through the system referred to in Article 34 <u>them to an end</u> ;
ARTICLE 14 - PARAGRAPH 3 - POINT j				
205	(j) the power to seek to obtain a commitment from an economic operator to bring an instance of non-compliance to an end;	(j) the power to seek to obtain, <i>or to accept</i> , a commitment from an economic operator <i>responsible for non-compliance</i> to bring an instance of non-compliance to an end; AM 114	(j) the power to seek to obtain a commitment from an economic operator to bring an instance of non-compliance to an end;	(j) the powers to seek to obtain a commitment from an <u>require</u> economic operator to <u>take appropriate action to</u> bring an instance of non-compliance <u>or the risk</u> to an end; <i>Drafting based on Council's text in row 209E</i>
ARTICLE 14 - PARAGRAPH 3 - POINT k				
206	(k) the power to prohibit the making available of	(k) the power to prohibit the making available of	(k) the power to prohibit the making available of	(k) the powers to <u>take appropriate measures, including powers to prohibit</u>

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	products on the market or to withdraw, recall or destroy products, where economic operators fail to provide the information requested by the market surveillance authority to verify the compliance of those products and while the failure persists;	products on the market or to withdraw, recall or destroy products, where economic operators fail to provide the information requested by the market surveillance authority to verify the compliance of those products and while the failure persists;	products on the market or to withdraw, recall or destroy products, where economic operators fail to provide the information requested by the market surveillance authority to verify the compliance of those products and while the failure persists;	<u>or restrict</u> the making available of products on the market or to <u>ensure that the product is</u> withdrawn, <u>or recalled</u> or destroy products, where economic operators fail to <u>take appropriate action or where</u> provide the information requested by the market surveillance authority to verify the compliance of those products and while the failure <u>the non-compliance or the risk</u> persists; <i>Drafting based on Council's text in row 209E</i>
ARTICLE 14 - PARAGRAPH 3 - POINT I				
207	(l) the power to impose penalties on an economic operator, including fines or periodic penalty payments, for non-compliance or for failure to comply with any decision, order, temporary measure or other measure taken by the market surveillance authority;	(l) the power to impose penalties on an economic operator, including fines or periodic penalty payments, for non-compliance or for failure to comply with any decision, order, temporary measure or other measure taken by the market surveillance authority; AM 115	(l) the power to impose penalties on an economic operator, including fines or periodic penalty payments, for non-compliance or for failure to comply with any decision, order, temporary measure or other measure taken by the market surveillance authority;	(l) the powers to impose penalties on an economic operator, including fines or periodic penalty payments, for non-compliance or for failure to comply with any decision, order, temporary measure or other measure taken by the market surveillance authority <u>in accordance with Article 61</u> ; <i>Drafting based on Council's text in row 209I</i>
ARTICLE 14 - PARAGRAPH 3 - POINT m				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
208	(m) the power to order the restitution of profits obtained as a result of an instance of non-compliance;	(m) the power to order the restitution of profits obtained as a result of an instance of non-compliance;	(m) the power to order the restitution of profits obtained as a result of an instance of non-compliance;	Maintain Council Mandate
ARTICLE 14 - PARAGRAPH 3 - POINT n				
209	(n) the power to publish any final decisions, final measures, commitments given by the economic operator or decisions taken or made pursuant to this Regulation, including the publication of the identity of the economic operator who was responsible for the non-compliance.	(n) the power to publish any final decisions, final measures, commitments given by the economic operator or decisions taken or made pursuant to this Regulation, including the publication of the identity of the economic operator who was responsible for the non-compliance.	(n) the power to publish any final decisions, final measures, commitments given by the economic operator or decisions taken or made pursuant to this Regulation, including the publication of the identity of the economic operator who was responsible for the non-compliance.	publishing obligations subject to redrafted Article 16
ARTICLE 14 - PARAGRAPH 3 - POINT o (new)				
209 A			(o) powers to carry out, without prior announcement , on-site inspections and physical checks ;	See row 197

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			[moved from (e)]	
ARTICLE 14 - PARAGRAPH 3 - POINT p (new)				
209 B			(p) powers to take acquire product samples, including under a cover identity; [moved from (f)]	<i>See row 201</i>
ARTICLE 14 - PARAGRAPH 3 - POINT r (new)				
209 C			(r) powers to enter any premises, land or means of transport that the economic operator in question uses for purposes related to his trade, business, craft or profession, in order to detect non- compliance and obtain evidence; [moved from (e)]	<i>See row 198</i>
ARTICLE 14 - PARAGRAPH 3 - POINT s (new)				
209 D			(s) the powers to require any	<i>See row 195</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>public authority, body or agency within the market surveillance authority's Member State, or any natural or legal person; <u>economic operators</u> to provide any information; data or document; <u>on compliance and physical aspects as well as on the supply chain, the details of distribution network and on quantities</u> in any form or format and irrespective of its storage medium or the place where it is stored, for the purposes of enabling the market surveillance authority to investigate whether any non-compliance has occurred or is occurring and to establish the details of that non-compliance, including in particular information, data or documents required for the purposes of identifying and tracing financial and data flows, ascertaining the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>identity and contact details of persons involved in financial and data flows and ascertaining bank account information and the ownership of websites <u>and to take or obtain copies of this information;</u></p> <p>[moved from (d)]</p>	
ARTICLE 14 - PARAGRAPH 3 - POINT t (new)				
209E			<p><u>(t) powers to take appropriate measures for mitigating risks or when compliance cannot be established, including powers to prohibit or restrict the making available on the market or to order withdrawal or recall;</u></p>	See rows 205-206
ARTICLE 14 - PARAGRAPH 3 - POINT u (new)				
209F			<p><u>(u) powers, where there are no other effective means available to prevent</u></p>	<p><u>(ka) the powers, where there are no other effective means available to prevent a serious risk;</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>a serious risk:</u>	
	ARTICLE 14 - PARAGRAPH 3 - POINT u - POINT i (new)			
209 G			<u>(i) to require operators of online interfaces to remove content from the online interface referring to the related products and/or to order the explicit display of a related warning to end-users when they access the online interface;</u>	<u>(i) to require order operators of online interfaces to remove content from the online interface referring to the related products or to order the explicit display of a related warning to end-users when they access the online interface;</u>
	ARTICLE 14 - PARAGRAPH 3 - POINT u - POINT ii (new)			
209 H			<u>(ii) where a request according to (i) is not observed, to require information society service providers to restrict access to the online interface, including by requesting a third party to implement such measures;</u>	<u>(ii) where a request according to (i) is not observed, to require order information society service providers to restrict access to the online interface.</u> <u>including by requesting a relevant third party to implement such measures.</u>
	ARTICLE 14 - PARAGRAPH 3 - POINT v (new)			

Commented [A2]: Flexible, but we consider that the more general wording suggested by the Commission on that letter is better.

Commented [A3]: Acceptable.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
209I			<p>(v) the powers to impose penalties on an economic operator, including fines or periodic penalty payments, for non-compliance or for failure to comply with any decision, order, temporary measure or other measure taken by the market surveillance authority according to Article 61.</p> <p>[moved from (l)]</p>	See row 207
ARTICLE 14 - PARAGRAPH 3 - SUBPARAGRAPH 1 a (new)				
209K		<p><i>The powers set out in point (h) of this paragraph shall be exercised by the application to courts in accordance with point (c) of paragraph 2 of this Article.</i></p> <p>AM 116</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
ARTICLE 14 - PARAGRAPH 4				
210	4. Market surveillance authorities shall publish any commitments given to them by economic operators, details of any corrective action taken by economic operators in their territory, and details of any temporary measures taken by the relevant market surveillance authority pursuant to this Regulation.	4. Market surveillance authorities shall publish, <i>when they deem it relevant for the general public</i> , any commitments given to them by economic operators, details of any corrective action taken by economic operators in their territory, and details of any temporary measures taken by the relevant market surveillance authority pursuant to <i>first subparagraph of Article 12(4) of this Regulation, ensuring the economic operators a possibility to comment the information, related to them, prior to its publication.</i> AM 117	4. Market surveillance authorities shall publish any commitments given to them by economic operators, details of any corrective action taken by economic operators in their territory, and details of any temporary measures taken by the relevant market surveillance authority pursuant to this Regulation.	<i>publishing obligations subject to redrafted Article 16</i>
ARTICLE 14 - PARAGRAPH 5				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
211	5. Market surveillance authorities shall exercise their powers in accordance with the principle of proportionality.	5. Market surveillance authorities shall exercise their powers in accordance with the principle of proportionality. AM 118	5. Market surveillance authorities shall exercise their powers in accordance with the principle of proportionality.	<i>See row 187A</i>
ARTICLE 14 - PARAGRAPH 6 (new)				
211 A			<u>6.</u> Market surveillance authorities may use any information, document or a certified true copy of a document, finding, statement, or any intelligence as evidence for the purpose of their investigations, irrespective of the format in which and medium on which they are stored. [moved from Art. 25(1)]	<u>5a.</u> Market surveillance authorities may use any information, document or a certified true copy of a document, finding, statement, or any intelligence as evidence for the purpose of their investigations, irrespective of the format in which and medium on which they are stored.