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From:	SK delegation
To:	Working Party on Competitiveness and Growth (Internal Market)
Subject:	SK drafting suggestion for the Platform-to-Business Regulation proposal (Article 1)

Article 1

Subject-matter and scope

1. **The purpose of this Regulation is to contribute to the proper functioning of the internal market by the layings** down rules to ensure that business users of online intermediation services and corporate website users in relation to online search engines are granted appropriate transparency and effective redress possibilities.
2. This Regulation shall apply to online intermediation services and online search engines provided, or offered to be provided, to business users and corporate website users, respectively, that have their place of establishment or residence in the Union and that, through online intermediation services or online search engines, offer goods or services to consumers located in the Union, irrespective of the place of establishment or residence of the providers of those services.
3. This Regulation shall be without prejudice to national ~~civil law, in particular contract law and national laws~~ **rules** which, **in conformity with Union law**, prohibit or sanction ~~unilateral conduct or~~ unfair commercial practices.
4. **This Regulation shall be without prejudice to Union law applicable in the areas of judicial cooperation in civil matters, competition, consumer protection, electronic commerce and financial services.**

Justification:

The aim of the proposed amendment is to create a clear link with the legal basis of the Regulation which is Article 114 of the TFEU. The aim of Article 114 is to create coherent rules in the Member States in relation to the Internal Market and to avoid fragmentation of the legal framework. At the same time, respecting the principle of subsidiarity, Member States should remain free to apply their national rules, which are aimed at creating fair trading practices in B2B relations. The application of these rules, however, should be in conformity with Union law including this Regulation. Furthermore, in our view, a clear provision on the relation to other Union law is missing in Article 1.