



Council of the European Union  
General Secretariat

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**Interinstitutional files:  
2020/0374 (COD)**

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**Brussels, 13 April 2022**

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## **WORKING DOCUMENT**

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From:	General Secretariat of the Council
To:	Working Party on Competition

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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on contestable and fair markets in the digital sector
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Delegations will find attached the final 4-column document (Annex) after technical finalisation to reflect the provisional political agreement reached during the 4th DMA trilogue of 24 March 2022 and pending lawyer linguistic finalisation.

**Proposal for a  
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
on contestable and fair markets in the digital sector (Digital Markets Act)  
2020/0374(COD)**

## Annex

**Document dated: 13 April 2022  
4-column table for first-reading trilogues**

Key	
GREEN	Identical text, the text can be deemed as provisionally agreed
YELLOW	The issue needs further discussion at technical level
RED	The issue needs further discussion in depth at trilogue meetings

*Text in bold and italics indicate the differences between the Parliament and the Council mandates.*

Line	COM proposal	EP amendments	Council's negotiating mandate	Draft Agreement
1		a. 'General'	a. 'General'	a. 'General'
2		1. The present annex aims at specifying the methodology for identifying and calculating the 'end users' and the 'business users' for each core platform service defined in Article 2(2) <b><i>for the purpose of point (b) of Article 3(2).</i></b> It provides a	1. The present annex aims at specifying the methodology for identifying and calculating the 'active end users' and the ' <b><i>active</i></b> business users' for each core platform service defined in Article 2(2). It provides a reference to enable an	1. The present annex aims at specifying the methodology for identifying and calculating the ' <b><i>active</i></b> end users' and the ' <b><i>active</i></b> business users' for each core platform service defined in Article 2(2). It provides a reference to enable an

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		reference to enable an undertaking to assess whether its core platforms services meet the quantitative thresholds set out in Article 3(2)(b) and would therefore be presumed to meet the requirement in Article 3(1)(b). It will therefore equally be of relevance to any broader assessment under Article 3(6). It is the responsibility of the undertaking to come to the best approximation possible in line with the common principles and specific methodology set out in this annex. Nothing in this annex precludes the Commission from requiring the undertaking providing core platform services to provide any information necessary to identify and calculate the 'end users' and the 'business users'. In doing so, the Commission is bound by the timelines laid down in the relevant provisions of this Regulation. Nothing in the present annex should constitute a legal basis for tracking users. The methodology contained in this annex is also without prejudice to any of the obligations in the Regulation, notably including those laid down in Article 3(3), <b>Article 3</b> (6) and Article 11(1). In particular, the required compliance with Article 11(1) also means identifying and calculating end users and business users based either on a precise measurement or on the best approximation available – in line with the actual identification and calculation capacities that the undertaking providing core platform services possesses at the relevant point in time. These measurements or the best approximation available shall be consistent with, and include, those reported under Article 13.	undertaking to assess whether its core platforms services meet the quantitative thresholds set out in Article 3(2) <b>point</b> (b) and would therefore be presumed to meet the requirement in Article 3(1) <b>point</b> (b). It will therefore equally be of relevance to any broader assessment under Article 3(6). It is the responsibility of the undertaking to come to the best approximation possible in line with the common principles and specific methodology set out in this annex. Nothing in this annex precludes the Commission from requiring the undertaking providing core platform services to provide any information necessary to identify and calculate the ' <b>active</b> end users' and the ' <b>active</b> business users'. In doing so, the Commission is bound by the timelines laid down in the relevant provisions of this Regulation. Nothing in the present annex should constitute a legal basis for tracking users. The methodology contained in this annex is also without prejudice to any of the obligations in the Regulation, notably including those laid down in Article 3(3) <b>and</b> (6) and Article 11(1). In particular, the required compliance with Article 11(1) also means identifying and calculating <b>active</b> end users and <b>active</b> business users based either on a precise measurement or on the best approximation available – in line with the actual identification and calculation capacities that the undertaking providing core platform services possesses at the relevant point in time. These measurements or the best approximation available shall be consistent with, and include, those reported under Article 13.	undertaking to assess whether its core platforms services meet the quantitative thresholds set out in Article 3(2) <b>point</b> (b) and would therefore be presumed to meet the requirement in Article 3(1) <b>point</b> (b). It will therefore equally be of relevance to any broader assessment under Article 3(6). It is the responsibility of the undertaking to come to the best approximation possible in line with the common principles and specific methodology set out in this annex. Nothing in this annex precludes the Commission from requiring the undertaking providing core platform services to provide any information necessary to identify and calculate the ' <b>active</b> end users' and the ' <b>active</b> business users'. In doing so, the Commission is bound by the timelines laid down in the relevant provisions of this Regulation. Nothing in the present annex should constitute a legal basis for tracking users. The methodology contained in this annex is also without prejudice to any of the obligations in the Regulation, notably including those laid down in Article 3(3) <b>and</b> (6) and Article 11(1). In particular, the required compliance with Article 11(1) also means identifying and calculating <b>active</b> end users and <b>active</b> business users based either on a precise measurement or on the best approximation available – in line with the actual identification and calculation capacities that the undertaking providing core platform services possesses at the relevant point in time. These measurements or the best approximation available shall be consistent with, and include, those reported under Article 13.
3		2. Article 2(16) and (17) set out the definitions of 'end user' and 'business user', which are common to all core platform services.	2. Article 2 <b>points</b> (16) and (17) set out the definitions of 'end user' and 'business user', which are common to all core platform services.	2. Article 2 <b>points</b> (16) and (17) set out the definitions of 'end user' and 'business user', which are common to all core platform services.

Line	COM proposal	EP amendments	Council's negotiating mandate	Draft Agreement
4		3. In order to identify and calculate the number of 'end users' and 'business users', the present annex refers to the concept of 'unique users'. The concept of 'unique users' encompasses 'end users' and 'business users' counted only once, for the relevant core platform service, over the course of a specified time period (i.e. month in case of 'end users' and year in case of 'business users'), no matter how many times they engaged with the relevant core platform service over that period. This is without prejudice to the fact that the same natural or legal person can simultaneously constitute an end user or business user for different core platform services.	3. In order to identify and calculate the number of ' <b>active</b> end users' and ' <b>active</b> business users', the present annex refers to the concept of 'unique users'. The concept of 'unique users' encompasses ' <b>active</b> end users' and ' <b>active</b> business users' counted only once, for the relevant core platform service, over the course of a specified time period (i.e. month in case of ' <b>active</b> end users' and year in case of ' <b>active</b> business users'), no matter how many times they engaged with the relevant core platform service over that period. This is without prejudice to the fact that the same natural or legal person can simultaneously constitute an <b>active</b> end user or <b>active</b> business user for different core platform services.	3. In order to identify and calculate the number of ' <b>active</b> end users' and ' <b>active</b> business users', the present annex refers to the concept of 'unique users'. The concept of 'unique users' encompasses ' <b>active</b> end users' and ' <b>active</b> business users' counted only once, for the relevant core platform service, over the course of a specified time period (i.e. month in case of ' <b>active</b> end users' and year in case of ' <b>active</b> business users'), no matter how many times they engaged with the relevant core platform service over that period. This is without prejudice to the fact that the same natural or legal person can simultaneously constitute an <b>active</b> end user or <b>active</b> business user for different core platform services.
5		b. 'end users'	b. ' <b>Active</b> end users'	b. ' <b>Active</b> end users'
6		4. Number of 'unique users' as regards 'end users': unique users shall be identified according to the most accurate metric reported by the undertaking providing any of the core platform services, specifically:	4. Number of 'unique users' as regards ' <b>active</b> end users': unique users shall be identified according to the most accurate metric reported by the undertaking providing any of the core platform services, specifically:	4. Number of 'unique users' as regards ' <b>active</b> end users': unique users shall be identified according to the most accurate metric reported by the undertaking providing any of the core platform services, specifically:
7		a. It is considered that collecting data about the use of core platform services from signed-in or logged-in environments would <i>prima facie</i> present the lowest risk of duplication, for example in relation to user behaviour across devices or platforms. Hence, the undertaking shall submit aggregate anonymized data on the number of unique users per respective core platform service based on signed-in or logged-in environments if such data exists.	a. It is considered that collecting data about the use of core platform services from signed-in or logged-in environments would <i>prima facie</i> present the lowest risk of duplication, for example in relation to user behaviour across devices or platforms. Hence, the undertaking shall submit aggregate anonymized data on the number of unique users per respective core platform service based on signed-in or logged-in environments if such data exists.	a. It is considered that collecting data about the use of core platform services from signed-in or logged-in environments would <i>prima facie</i> present the lowest risk of duplication, for example in relation to user behaviour across devices or platforms. Hence, the undertaking shall submit aggregate anonymized data on the number of unique users per respective core platform service based on signed-in or logged-in environments if such data exists.
8		b. In the case of core platform services which are (also) accessed by end users outside signed-in or logged-in environments, the undertaking shall additionally submit aggregate	b. In the case of core platform services which are (also) accessed by end users outside signed-in or logged-in environments, the undertaking shall additionally submit aggregate	b. In the case of core platform services which are (also) accessed by end users outside signed-in or logged-in environments, the undertaking shall additionally submit aggregate

Line	COM proposal	EP amendments	Council's negotiating mandate	Draft Agreement
		anonymized data on the number of unique end users of the respective core platform service based on an alternate metric capturing also end users outside signed-in or logged-in environments such as internet protocol addresses, cookie identifiers or other identifiers such as radio frequency identification tags provided that those addresses or identifiers are (objectively) necessary for the provision of the core platform services.	anonymized data on the number of unique end users of the respective core platform service based on an alternate metric capturing also end users outside signed-in or logged-in environments such as internet protocol addresses, cookie identifiers or other identifiers such as radio frequency identification tags provided that those addresses or identifiers are (objectively) necessary for the provision of the core platform services.	anonymized data on the number of unique end users of the respective core platform service based on an alternate metric capturing also end users outside signed-in or logged-in environments such as internet protocol addresses, cookie identifiers or other identifiers such as radio frequency identification tags provided that those addresses or identifiers are (objectively) necessary for the provision of the core platform services.
9		5. Article 3(2) also requires that the number of 'monthly end users' is based on the average number of monthly end users <b>during a period of at least six months within</b> the last financial year. An undertaking providing core platform service(s) <b>can</b> discount outlier figures in a given year. Outlier figures inherently mean figures that fall outside the normal values such as a sales peak that occurred during a single month in a given year <b>but do not include the annual regular and predictable sales</b> .	5. Article 3(2) also requires that the number of 'monthly <b>active</b> end users' is based on the average number of monthly <b>active</b> end users <b>throughout the largest part of</b> the last financial year. <b>The notion 'the largest part of the last financial year' is intended to allow</b> an undertaking providing core platform service(s) <b>to discount</b> outlier figures in a given year. Outlier figures inherently mean figures that fall outside the normal values such as a sales peak that occurred during a single month in a given year.	5. Article 3(2) also requires that the number of 'monthly <b>active</b> end users' is based on the average number of monthly <b>active</b> end users <b>throughout the largest part of</b> the financial year. <b>The notion 'the largest part of the financial year' is intended to allow</b> an undertaking providing core platform service(s) <b>to discount</b> outlier figures in a given year. Outlier figures inherently mean figures that fall <b>significantly</b> outside the normal values <b>and foreseeable figures. An unforeseen peak or drop in user engagement that occurred during a single month of the financial year is an example of what could constitute such outlier figures. Figures related to annually recurring occurrences, such as annual sales promotions, are not outlier figures.</b> <del>such as a sales peak that occurred during a single month in a given year.</del>
10		c. 'business users'	c. ' <b>Active</b> business users'	c. ' <b>Active</b> business users'
11		6. Number of 'unique users' as regards 'business users', 'unique users' are to be determined, where applicable, at the account level with each distinct business account associated with the use of a core platform service provided by the undertaking constituting one unique business user of that respective core platform	6. Number of 'unique users' as regards 'business users', 'unique users' are to be determined, where applicable, at the account level with each distinct business account associated with the use of a core platform service provided by the undertaking constituting one unique business user of that respective core platform	6. Number of 'unique users' as regards 'business users', 'unique users' are to be determined, where applicable, at the account level with each distinct business account associated with the use of a core platform service provided by the undertaking constituting one unique business user of that respective core platform

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		service. If the notion of 'business account' does not apply to a given core platform service, the relevant undertaking providing core platform services shall determine the number of unique business users by referring to the relevant undertaking.	service. If the notion of 'business account' does not apply to a given core platform service, the relevant undertaking providing core platform services shall determine the number of unique business users by referring to the relevant undertaking.	service. If the notion of 'business account' does not apply to a given core platform service, the relevant undertaking providing core platform services shall determine the number of unique business users by referring to the relevant undertaking.
12		d. 'Submission of information'	d. 'Submission of information'	d. 'Submission of information'
13		7. The undertaking submitting information concerning the number of end users and business users per core platform service shall be responsible for ensuring the completeness and accuracy of that information. In that regard:	7. The undertaking submitting information concerning the number of <b>active</b> end users and <b>active</b> business users per core platform service shall be responsible for ensuring the completeness and accuracy of that information. In that regard:	7. The undertaking submitting information concerning the number of <b>active</b> end users and <b>active</b> business users per core platform service shall be responsible for ensuring the completeness and accuracy of that information. In that regard:
14		a. The undertaking shall be responsible for submitting data for a respective core platform service that avoids under-counting and over-counting the number of end users and business users (for example where users access the core platform services across different platforms or devices) in the information provided to the Commission.	a. The undertaking shall be responsible for submitting data for a respective core platform service that avoids under-counting and over-counting the number of <b>active</b> end users and <b>active</b> business users (for example where users access the core platform services across different platforms or devices) in the information provided to the Commission.	a. The undertaking shall be responsible for submitting data for a respective core platform service that avoids under-counting and over-counting the number of <b>active</b> end users and <b>active</b> business users (for example where users access the core platform services across different platforms or devices) in the information provided to the Commission.
15		b. The undertaking shall be responsible for providing precise and succinct explanations about the methodology used to arrive at the information provided to the Commission and of any risk of under-counting or over-counting of the number of end users and business users for a respective core platform service and of the solutions adopted to address that risk.	b. The undertaking shall be responsible for providing precise and succinct explanations about the methodology used to arrive at the information provided to the Commission and of any risk of under-counting or over-counting of the number of <b>active</b> end users and <b>active</b> business users for a respective core platform service and of the solutions adopted to address that risk.	b. The undertaking shall be responsible for providing precise and succinct explanations about the methodology used to arrive at the information provided to the Commission and of any risk of under-counting or over-counting of the number of <b>active</b> end users and <b>active</b> business users for a respective core platform service and of the solutions adopted to address that risk.
16		c. The undertaking shall provide the Commission data that is based on an alternative metric when the Commission has concerns about the accuracy of data provided by the undertaking providing core platform service(s).	c. The undertaking shall provide the Commission data that is based on an alternative metric when the Commission has concerns about the accuracy of data provided by the undertaking providing core platform service(s).	c. The undertaking shall provide the Commission data that is based on an alternative metric when the Commission has concerns about the accuracy of data provided by the undertaking providing core platform service(s).
17		8. For the purpose of calculating the number of 'end users' and 'business users':	8. For the purpose of calculating the number of ' <b>active</b> end users' and ' <b>active</b> business users':	8. For the purpose of calculating the number of ' <b>active</b> end users' and ' <b>active</b> business users':

Line	COM proposal	EP amendments	Council's negotiating mandate	Draft Agreement
18		a. The undertaking providing core platform service(s) shall not identify core platform services that belong to the same category of core platform services pursuant to Article 2(2) as distinct mainly on the basis that they are provided using different domain names – whether country code top-level domains (ccTLDs) or generic top-level domains (gTLDs) - or any geographic attributes.	a. The undertaking providing core platform service(s) shall not identify core platform services that belong to the same category of core platform services pursuant to Article 2 <b>point</b> (2) as distinct mainly on the basis that they are provided using different domain names – whether country code top-level domains (ccTLDs) or generic top-level domains (gTLDs) - or any geographic attributes.	a. The undertaking providing core platform service(s) shall not identify core platform services that belong to the same category of core platform services pursuant to Article 2 <b>point</b> (2) as distinct mainly on the basis that they are provided using different domain names – whether country code top-level domains (ccTLDs) or generic top-level domains (gTLDs) - or any geographic attributes.
19		b. The undertaking providing core platform service(s) shall consider as distinct core platform services those core platform services, which despite belonging to the same category of core platform services pursuant to Article 2(2) are used for different purposes by either their end users or their business users, or both, even if their end users and business users may be the same.	b. The undertaking providing core platform service(s) shall consider as distinct core platform services those core platform services, which despite belonging to the same category of core platform services pursuant to Article 2(2) are used for different purposes by either their end users or their business users, or both, even if their end users and business users may be the same.	b. The undertaking providing core platform service(s) shall consider as distinct core platform services those core platform services, which despite belonging to the same category of core platform services pursuant to Article 2(2) are used for different purposes by either their end users or their business users, or both, even if their end users and business users may be the same.
20		c. The undertaking providing core platform service(s) shall consider as distinct core platform services those services which the relevant undertaking offers in an integrated way but which	c. The undertaking providing core platform service(s) shall consider as distinct core platform services those services which the relevant undertaking offers in an integrated way but which:	c. The undertaking providing core platform service(s) shall consider as distinct core platform services those services which the relevant undertaking offers in an integrated way but which:
21		(i) do not belong to the same category of core platform services pursuant to Article 2(2) or	(i) do not belong to the same category of core platform services pursuant to Article 2 <b>point</b> (2) or	(i) do not belong to the same category of core platform services pursuant to Article 2 <b>point</b> (2) or
22		(ii) despite belonging to the same category of core platform services pursuant to Article 2(2), are used for different purposes by either their end users or their business users, or both, even if their end users and business users may be the same.	(ii) despite belonging to the same category of core platform services pursuant to Article 2 <b>point</b> (2), are used for different purposes by either their end users or their business users, or both, even if their end users and business users may be the same.	(ii) despite belonging to the same category of core platform services pursuant to Article 2 <b>point</b> (2), are used for different purposes by either their end users or their business users, or both, even if their end users and business users may be the same.
23		e. 'Specific definitions'	e. 'Specific definitions'	e. 'Specific definitions'
24		9. Specific definitions per core platform service: The below list sets out specific definitions of 'end users' and 'business users' for each core platform service.	1. Specific definitions per core platform service: The below list sets out specific definitions of ' <b>active</b> end users' and ' <b>active</b> business users' for each core platform service.	1. Specific definitions per core platform service: The below list sets out specific definitions of ' <b>active</b> end users' and ' <b>active</b> business users' for each core platform service.

Line	COM proposal	EP amendments			Council's negotiating mandate			Draft Agreement		
25		Core platform services	End users	Business users	Core platform services	<i>Active</i> end users	<i>Active</i> business users	Core platform services	<i>Active</i> end users	<i>Active</i> business users
26		Online intermediation services	Number of unique end users who engaged with the online intermediation service at least once in the month for example through actively logging-in, making a query, clicking or scrolling or concluded a transaction through the online intermediation service at least once in the month.	Number of unique business users who had at least one item listed in the online intermediation service during the whole year or concluded a transaction enabled by the online intermediation service during the year.	Online intermediation services	Number of unique end users who engaged with the online intermediation service at least once in the month for example through actively logging-in, <b><i>making a visit</i></b> , making a query, clicking or scrolling or concluded a transaction through the online intermediation service at least once in the month.	Number of unique business users who had at least one item listed in the online intermediation service during the whole year or concluded a transaction enabled by the online intermediation service during the year.	Online intermediation services	Number of unique end users who engaged with the online intermediation service at least once in the month for example through actively logging-in, <del><b><i>making a visit</i></b></del> , making a query, clicking or scrolling or concluded a transaction through the online intermediation service at least once in the month.	Number of unique business users who had at least one item listed in the online intermediation service during the whole year or concluded a transaction enabled by the online intermediation service during the year.



Line	COM proposals	EP amendments			Council's negotiating mandate			Draft Agreement		
27		Online search engines	Number of unique end users who engaged with the online search engine at least once in the month, for example through making a query.	Number of unique business users with business websites (i.e. website used in commercial or professional capacity) indexed by or part of the index of the online search engine during the year.	Online search engines	Number of unique end users who engaged with the online search engine at least once in the month, for example through making a query.	Number of unique business users with business websites (i.e. website used in commercial or professional capacity) indexed by or part of the index of the online search engine during the year.	Online search engines	Number of unique end users who engaged with the online search engine at least once in the month, for example through making a query.	Number of unique business users with business websites (i.e. website used in commercial or professional capacity) indexed by or part of the index of the online search engine during the year.

Line	COM proposal	EP amendments			Council's negotiating mandate			Draft Agreement		
28		Online social networking services	Number of unique end users who engaged with the online social networking service at least once in the month, for example through actively logging-in, opening a page, scrolling, clicking, liking, making a query, posting or commenting.	Number of unique business users who have a business listing or business account in the online social networking service and have engaged in any way with the service at least once during the year, for example through actively logging-in, opening a page, scrolling, clicking, liking, making a query, posting, commenting or using its tools for businesses.	Online social networking services	Number of unique end users who engaged with the online social networking service at least once in the month, for example through actively logging-in, opening a page, scrolling, clicking, liking, making a query, posting or commenting.	Number of unique business users who have a business listing or business account in the online social networking service and have engaged in any way with the service at least once during the year, for example through actively logging-in, opening a page, scrolling, clicking, liking, making a query, posting, commenting or using its tools for businesses.	Online social networking services	Number of unique end users who engaged with the online social networking service at least once in the month, for example through actively logging-in, opening a page, scrolling, clicking, liking, making a query, posting or commenting.	Number of unique business users who have a business listing or business account in the online social networking service and have engaged in any way with the service at least once during the year, for example through actively logging-in, opening a page, scrolling, clicking, liking, making a query, posting, commenting or using its tools for businesses.

Line	COM proposal	EP amendments			Council's negotiating mandate			Draft Agreement		
29		Video-sharing platform services	Number of unique end users who engaged with the video-sharing platform service at least once in the month, for example through playing a segment of audiovisual content, making a query or uploading a piece of audiovisual content, notably including user-generated videos.	Number of unique business users who provided at least one piece of audiovisual content uploaded or played on the video-sharing platform service during the year.	Video-sharing platform services	Number of unique end users who engaged with the video-sharing platform service at least once in the month, for example through playing a segment of audiovisual content, making a query or uploading a piece of audiovisual content, notably including user-generated videos.	Number of unique business users who provided at least one piece of audiovisual content uploaded or played on the video-sharing platform service during the year.	Video-sharing platform services	Number of unique end users who engaged with the video-sharing platform service at least once in the month, for example through playing a segment of audiovisual content, making a query or uploading a piece of audiovisual content, notably including user-generated videos.	Number of unique business users who provided at least one piece of audiovisual content uploaded or played on the video-sharing platform service during the year.

Line	COM proposal	EP amendments			Council's negotiating mandate			Draft Agreement		
30		Number-independent interpersonal communication services	Number of unique end users who initiated or participated in any way in a communication through the number-independent interpersonal communication service at least once in the month.	Number of unique business users who used a business account or otherwise initiated or participated in any way in a communication through the number-independent interpersonal communication service to communicate directly with an end user at least once during the year.	Number-independent interpersonal communication services	Number of unique end users who initiated or participated in any way in a communication through the number-independent interpersonal communication service at least once in the month.	Number of unique business users who used a business account or otherwise initiated or participated in any way in a communication through the number-independent interpersonal communication service to communicate directly with an end user at least once during the year.	Number-independent interpersonal communication services	Number of unique end users who initiated or participated in any way in a communication through the number-independent interpersonal communication service at least once in the month.	Number of unique business users who used a business account or otherwise initiated or participated in any way in a communication through the number-independent interpersonal communication service to communicate directly with an end user at least once during the year.

Line	COM propos al	EP amendments			Council's negotiating mandate			Draft Agreement		
31		Operating systems	Number of unique end users who utilised a device with the operating system, which has been activated, updated or used at least once in the month.	Number of unique developers who published, updated or offered at least one software application or software program using the programming language or any software development tools of, or running in any way on, the operating system during the year.	Operating systems	Number of unique end users who utilised a device with the operating system, which has been activated, updated or used at least once in the month.	Number of unique developers who published, updated or offered at least one software application or software program using the programming language or any software development tools of, or running in any way on, the operating system during the year.	Operating systems	Number of unique end users who utilised a device with the operating system, which has been activated, updated or used at least once in the month.	Number of unique developers who published, updated or offered at least one software application or software program using the programming language or any software development tools of, or running in any way on, the operating system during the year.

Line	COM proposal	EP amendments			Council's negotiating mandate			Draft Agreement		
<i>31a</i>								<i>[Virtual assistant]</i>	<i>[Number of unique end users who engaged with the virtual assistant in any way at least once in the month, such as for example through activating it, asking a question, accessing a service through a command or controlling a smart home device.]</i>	<i>[Number of unique developers who offered at least one virtual assistant application or a functionality to make an existing application accessible through the virtual assistant during the year]</i>

Line	COM propos al	EP amendments			Council's negotiating mandate			Draft Agreement		
<i>31b</i>								<i>[Web browsers]</i>	<i>[Number of unique end users who engaged with the web browser at least once in the month, for example through inserting a query or website address in the URL line of the web browser.]</i>	<i>[Number of unique business users whose business websites (i.e. website used in commercial or professional capacity) have been accessed via the web browser at least once during the year or who offered a plug-in, extension or add-ons used on the web browser during the year.]</i>

Line	COM propos al	EP amendments			Council's negotiating mandate			Draft Agreement		
32		Cloud Computing Services	Number of unique end users who engaged with any cloud computing services from the relevant provider of cloud computing services at least once in the month, in return for any type of remuneration, regardless of whether this remuneration occurs in the same month.	Number of unique business users who provided any cloud computing services hosted in the cloud infrastructure of the relevant provider of cloud computing services during the year.	Cloud Computing Services	Number of unique end users who engaged with any cloud computing services from the relevant provider of cloud computing services at least once in the month, in return for any type of remuneration, regardless of whether this remuneration occurs in the same month.	Number of unique business users who provided any cloud computing services hosted in the cloud infrastructure of the relevant provider of cloud computing services during the year.	Cloud Computing Services	Number of unique end users who engaged with any cloud computing services from the relevant provider of cloud computing services at least once in the month, in return for any type of remuneration, regardless of whether this remuneration occurs in the same month.	Number of unique business users who provided any cloud computing services hosted in the cloud infrastructure of the relevant provider of cloud computing services during the year.



Line	COM proposal	EP amendments			Council's negotiating mandate			Draft Agreement		
33		Advertising services	Proprietary sales of advertising space	Proprietary sales of advertising space	Advertising services	<u>Proprietary sales of advertising space</u>	<u>Proprietary sales of advertising space</u>	Advertising services	<u>Proprietary sales of advertising space</u>	<u>Proprietary sales of advertising space</u>
			Number of unique end users who were exposed to an advertisement impression at least once in the month.	Number of unique advertisers who had at least one advertisement impression displayed during the year.		Number of unique end users who were exposed to an advertisement impression at least once in the month.	Number of unique advertisers who had at least one advertisement impression displayed during the year.		Number of unique end users who were exposed to an advertisement impression at least once in the month.	Number of unique advertisers who had at least one advertisement impression displayed during the year.
			Advertising intermediation (including advertising networks, advertising exchanges and any other advertising intermediation services)	Advertising intermediation (including advertising networks, advertising exchanges and any other advertising intermediation services)		<u>Advertising intermediation (including advertising networks, advertising exchanges and any other advertising intermediation services)</u>	<u>Advertising intermediation (including advertising networks, advertising exchanges and any other advertising intermediation services)</u>		<u>Advertising intermediation (including advertising networks, advertising exchanges and any other advertising intermediation services)</u>	<u>Advertising intermediation (including advertising networks, advertising exchanges and any other advertising intermediation services)</u>
			Number of unique end users who were exposed to an advertisement impression which triggered the advertising intermediation service at least once in the month	Number of unique business users (including advertisers, publishers or other intermediators ) who interacted via or were served by the advertising		Number of unique end users who were exposed to an advertisement impression which triggered the advertising intermediation service at least once in the month.	Number of unique business users (including advertisers, publishers or other intermediators ) who interacted via or were served by the advertising		Number of unique end users who were exposed to an advertisement impression which triggered the advertising intermediation service at least once in the month.	Number of unique business users (including advertisers, publishers or other intermediators ) who interacted via or were served by the advertising

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