

Digital Markets Act COM (2020) 842 final

Recitals

Rec (xx) (new)

This regulation aims to establish a framework implementing an European Data Warehouse. Data of gatekeeper platforms shall be seen as ‘public utility’ and hence be made available within an established European Data Warehouse. Accessing data and algorithms, shall be limited to tax paying entities within the European Union. This would counteract decreasing market entries by European platforms and fortify the pathway to an European platform economy strengthening the European Economy.

Rec (xx) (new)

Undoubtedly, the European market has been dominated by gatekeeper platforms providing core platform services for years. The market power of data driven business models and their practices lead to grave information asymmetries between gatekeepers and end users and business users.

Rec (xx) (new)

It has been particularly evident during the on-going COVID-19 crisis that the sudden rush towards technological and digital solutions has further aggravated the gap in information asymmetry between gatekeepers and business and end users. A need to build up digital resilience in Europe has presented itself. To this end, collected fines and periodic penalty payment should be considered to be reinvested to strengthen European digital resilience and be used as funding opportunities for projects such as the European Public Sphere or Gaia-X. Furthermore, data sovereignty of European critical infrastructure is maintained within the bounds of the European Union.

Rec (xx) (new)

This Regulation does not seek to lay down rules on tax obligations, nor does it prejudice the development of Community legislation on the tax aspects. It does, however, state that it is important to ensure that digital platforms recognise national or regional tax laws or powers of local regulatory and competent authorities or local control mechanisms for the purpose of proper taxation and pay a fair share of taxes.

Rec (xx) (new)

Due to their nature, gatekeepers shall be obliged to fulfil to their best knowledge and abilities the European standards with regard to environmental issues, social affairs and tax affairs.

Digital Markets Act COM (2020) 842 final

Articles

Justification Article 1(7)

Although a harmonised and unifying approach is welcomed, Member States' administrative authorities know best, what is needed for the fulfilment of respective national needs, e.g. when it comes to the allocation of public resources and the safeguard of public interest especially on a local and regional level. Hence why we call for the inclusion of Member States' regulatory and competent authorities into decisions and procedures in order for specific issues to be addressed.

Subject-matter and scope Article 1(7)	Subject-matter and scope Article 1(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.	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. <i>To this end, national regulatory and competent authorities as well as national social partners shall be included into the Commission's procedures, as the Member States' national administration need room to manoeuvre with regards to the fulfilment of their administrative duties and the safeguard of the public interest.</i>

Justification Article 2(24)

see justification Article 5(j).

Definitions Article 2(24) (new)	Definitions Article 2(24) (new)
	<i>'overriding reasons of public interest' means reasons recognised as such in the case law of the Court of Justice, including the following grounds: public policy; public security; public safety; public health; preserving the financial equilibrium of the social security system; the protection of</i>

Digital Markets Act COM (2020) 842 final

	<p><i>consumers, recipients of services and workers; fairness of trade transactions; combating fraud; the protection of the environment and the urban environment; the health of animals; intellectual property; the conservation of the national historic and artistic heritage; social policy objectives and cultural policy objectives; housing.</i></p>
--	---

Justification Article 2(25)

see justification Article 12(1).

Definitions Article 2(25) (new)	Definitions Article 2(25) (new)
	<p><i>'concentration of data' means the accumulation of data, not necessarily bound to the merger with or the acquisition of other enterprises providing core platform services, but e.g. by the adaption or update of Terms of Services.</i></p>

Justification Article 3(1)

Article 3, in combination with Article 4, lays down the criteria, from which a provider of a core platform service is to be classified as a gatekeeper. We suggest the option to designate a gatekeeper already if two of three criteria are met, ensuring that there remain no loopholes for providers and extending the providers affected ensuring a fair level playing field in the Digital Single Market.

Designation of gatekeepers Article 3(1)	Designation of gatekeepers Article 3(1)
<p>A provider of core platform services shall be designated as gatekeeper if:</p> <ul style="list-style-type: none"> (a) it has a significant impact on the internal market; (b) it operates a core platform service which serves as an important gateway for business users to reach end users; and 	<p>A provider of core platform services shall be designated as gatekeeper if two of the following three criteria are met.</p> <ul style="list-style-type: none"> (a) it has a significant impact on the internal market; (b) it operates a core platform service which serves as an important

Digital Markets Act COM (2020) 842 final

<p>(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.</p>	<p>gateway for business users to reach end users; or (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.</p>
---	---

Justification Article 3(3)

The Commission proposal already foresees financial penalties in cases of non-compliance with this directive. In case of systematic infringements of the DMA obligations by gatekeepers, additional remedies may be imposed on the gatekeepers after a market investigation. Such remedies will need to be proportionate to the offence committed. These can only come into effect, if providers are classified as gatekeepers. To be classified as such, the Commission needs for its evaluation the relevant information. Failing to provide these, has no consequences. Therefore, we suggest that reasonable periodic penalty payments pursuant to Article 27 should be enforced.

Designation of gatekeepers Article 3(3)	Designation of gatekeepers Article 3(3)
<p>Where a provider of core platform services meets all the thresholds in paragraph 2, it shall notify the Commission thereof within three 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 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). 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.</p>	<p>Where a provider of core platform services meets all the thresholds in paragraph 2, it shall notify the Commission thereof within three 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 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). 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 and lead to periodic penalty payments pursuant to Article 27.</p>

Digital Markets Act COM (2020) 842 final

Justification Article 4(2)

The Commission examines at least every 2 years whether a designated gatekeeper continues to satisfy these requirements. We welcome that, but suggest in a further way that new players, irrelevant of their country of establishment, should be examined in a shorter time period, such as no longer than one year to ensure that their potential entry into the European market does not suddenly disrupt the level playing field.

Review of the status of gatekeepers Article 4(2)	Review of the status of gatekeepers Article 4(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.	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). Furthermore, the Commission shall regularly, and at least every 12 months, examine whether new providers of core platform services, regardless of their country of establishment, satisfy those requirements. The regular review shall also examine whether the list of affected core platform services of the gatekeeper needs to be adjusted.

Justification Article 4(3) (subparagraph) (new)

Transparency is key. The findings, information and decisions made by the European Commission shall be presented and discussed with the European Parliament and the 27 Member States, in order to acknowledge and take into consideration Member States' national, regional and local requirements. Furthermore, we strongly recommend that the Digital Services Coordinators pursuant to Chapter IV, Section 1 of the Digital Services Act are present at the presentation of these findings, as they shall ensure compliance with the Digital Services Act and prevent the emergence of legal loopholes.

Review of the status of gatekeepers Article 4(3)	Review of the status of gatekeepers Article 4(3) (subparagraph) (new)
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.	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.

Digital Markets Act COM (2020) 842 final

	<i>To this end, the Commission should publish an annual report with findings of their monitoring activities and examinations, which is to be presented in front of and discussed with the European Parliament and the Union's Member States.</i>
--	--

Justification Article 5(b)

Up-stream and down-stream services within intermediation services should also be included to ensure that these obligations are grasped more broadly.

Obligations for gatekeepers Article 5(b)	Obligations for gatekeepers Article 5(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;	allow business users to offer the same products or services to end users through third party online intermediation and affiliated services at prices or conditions that are different from those offered through the online intermediation and affiliated services of the gatekeeper;

Justification Article 5(h) (new)

Adequate data is key for being able to act effectively and administratively efficiently in terms of the use of public resources. Without a suitable data basis, the mandates for action defined in the laws of legislative bodies cannot be implemented. Therefore, an adequate interface between the gatekeepers and the authorities should be implemented to ensure the continuous flow of relevant data to implement administrative legislation in a standardised and automatic way.

Obligations for gatekeepers Article 5(h)	Obligations for gatekeepers Article 5(h) (new)
	<i>provide the Commission, the Digital Market Advisory Committee and national regulatory and administrative authorities with an adequate Application Programming Interface (API) necessary to facilitate the interconnection with authorities' proprietary systems to ensure continuous, automatised and standardised flow of relevant information and data for administrative and enforcement purposes. To this</i>

Digital Markets Act COM (2020) 842 final

	<i>end, gatekeepers shall be obliged to fulfil the technological and administrative means necessary for the establishment and installation of such a corresponding API.</i>
--	--

Justification Article 5 (i) (new)

Providers shall not have the ultimate right alone to decide who is granted access and who is not. The fundamental right of freedom of expression shall be interfered with, but along the lines of the law and within the framework defined by the lawmakers. Not according to the decision of the management of social media platforms.

Obligations for gatekeepers Article 5(i)	Obligations for gatekeepers Article 5(i) (new)
	<i>due to its nature a gatekeeper shall be considered as a provider of core infrastructure and hence shall not be allowed to deny access to service to business and end users. In the case of a business or end user being denied access to a core platform service provided by a gatekeeper, the user shall have the possibility for an appeal. To this end, the Digital Markets Advisory Committee, provided for in Article 32 of this Regulation, should act as a Single Point of Contact.</i>

Justification Article 5 (j) (new)

Member States' authorities can better take into account regional and local needs, when it comes to the fulfilment of their administrative duty. To this end, adequate data is key for administrative and regulatory authorities, as it is required for the effective allocation of public resources and the safeguard of public interest. Without a suitable database, mandates for action defined in the laws of legislative bodies cannot be implemented. Hence, we call for the sharing of data by gatekeepers with competent authorities for administrative and regulatory purposes.

Obligations for gatekeepers Article 5(j)	Obligations for gatekeepers Article 5(j) (new)
	<i>For the protection of overriding reasons of public interest pursuant to Article 2(24), relevant and adequate</i>

Digital Markets Act COM (2020) 842 final

	<i>data shall be shared with national regulatory and competent authorities.</i>
--	--

Justification Article 6(l)

For the effective fulfilment of their administrative duties Member States are reliant on the provision of adequate data by gatekeepers. Hence why it is important that gatekeepers provide the technological means to ensure interoperability of their interface with respective proprietary systems of Member States' authorities to ensure continuous, automatised and standardised flow of information for effective cooperation.

Obligations for gatekeepers susceptible of being further specified Article 6(l)	Obligations for gatekeepers susceptible of being further specified Article 6(l) (new)
	<i>provide administrative and enforcement authorities with effective interoperability of their Application Programming Interface with their respective proprietary systems, to ensure continuous, standardised and automatised flow of information and refrain from creating additional administrative burden by creating an API environment which is to be considered hostile with regards to effective cooperation and enforcement within the means of this Regulation.</i>

Justification Article 6 (m) (new)

Subscribing to a core platform service is easy. In contrast to unsubscribing, where the option to do so is in many cases hidden far away in the realm of the provider's platform. The gatekeepers have to ensure that the access to these options are the same.

Obligations for gatekeepers susceptible of being further specified Article 6(m)	Obligations for gatekeepers susceptible of being further specified Article 6(m) (new)
	<i>refrain from practices that obstruct the option to unsubscribe from a core platform service, whereas the subscription is easily facilitated. In practice, both processes shall be equally demanding for business and end users.</i>

Justification Article 6 (n) (new)

Digital Markets Act COM (2020) 842 final

The conditions and obligations in the offline world shall also be valid for the online world. Distinctions shall be avoided.

Obligations for gatekeepers susceptible of being further specified Article 6(n)	Obligations for gatekeepers susceptible of being further specified Article 6(n) (new)
	<i>guarantee that labour conditions of up- and downstream services connected to a gatekeeper's provision of a core platform service are maintaining the principle of 'what is illegal offline, is illegal online'</i>

Justification Article 7(2) and Article 7(4)

The timeframes for the European Commission to take necessary decisions are reasonable. However, we suggest that the Commission is presented with the option to extend these timeframes no longer than 3 months to ensure that these decisions are taken rightfully.

Compliance with obligations for gatekeepers Article 7(2)	Compliance with obligations for gatekeepers Article 7(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.	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 <i>with the option of a justified extension of no longer than 3 months.</i>

Compliance with obligations for gatekeepers Article 7(4)	Compliance with obligations for gatekeepers Article 7(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 view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within three months from the opening of the proceedings <i>with the option of a justified extension no longer than 3 months.</i> In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the

Digital Markets Act COM (2020) 842 final

in order to effectively address the preliminary findings.	provider of core platform services concerned should take in order to effectively address the preliminary findings.
---	--

Justification Article 7(8) (new) and Article 7(9) (new)

Pursuant to the Digital Service Act, the Digital Markets Act shall also ensure that there is a possibility to file a complaint against a gatekeeper. A Single Point of Contact shall assess and transmit justified cases to the European Commission. This ensures that business and end users have an instance they can rely on in such cases. This leads to strengthening the consumers and protecting business of unfair practices.

Compliance with obligations for gatekeepers Article 7(8)	Compliance with obligations for gatekeepers Article 7(8) (new)
	<i>Recipients of the service shall have the right to lodge a complaint against a gatekeeper alleging an infringement of this Regulation with a Single Point of Contact of the Member State where the recipient resides or is established. The Single Point of Contact shall assess within three month, with the option for prolongation of another three months given a reasoned explanation, the complaint and, where appropriate, transmit it to the European Commission. If the time limit is exceeded, the appeal shall be derogated upwards to a higher instance, e.g. the European Court of Justice.</i>

Compliance with obligations for gatekeepers Article 7(9)	Compliance with obligations for gatekeepers Article 7(9) (new)
	<i>To ensure compliance with obligations for gatekeepers the established Digital Markets Advisory Committee shall be established as a Single Point of Contact and they should be encouraged to include national social partners in their procedures.</i>

Justification Article 8(2)

To ensure that gatekeepers are not set free from fulfilling their obligations, the Commission shall review its suspension decision in a shorter timeframe than foreseen. Therefore, we suggest shortening the time period to six months.

Digital Markets Act COM (2020) 842 final

Suspension Article 8(2)	Suspension Article 8(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.	Where the suspension is granted pursuant to paragraph 1, the Commission shall review its suspension decision every six months . Following such a review the Commission shall either lift the suspension or decide that the conditions of paragraph 1 continue to be met.

Justification Article 9(2)

There is a need for better clarification, as there is no conclusive answer on what counts as public morality. The term public interest reflects the need of Member States' administration in a clearer way, as they are tasked with protecting it in the name of their citizens.

Exemption of overriding reasons of public interest Article 9(2)	Exemption of overriding reasons of public interest Article 9(2)
An exemption pursuant to paragraph 1 may only be granted on grounds of: (a) public morality; (b) public health; (c) public security.	An exemption pursuant to paragraph 1 may only be granted on grounds of: (a) public interest ; (b) public health; (c) public security.

Justification Article 12(1)

With further specifying concentration, we point out that there are means of gathering data from another core platform service provider that goes beyond the conventional mergers and acquisitions as referred to in the Council Regulation (EC) 139/2004. We would like to deter gatekeepers from finding ways beyond the conventional mergers and acquisition to amass information and data from other core platform services providers, e.g. by contractual, technological or any other means.

Obligation to inform about concentrations Article 12(1)	Obligation to inform about concentrations Article 12(1)
A gatekeeper shall inform the Commission of any intended concentration of data 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	A gatekeeper shall inform the Commission of any intended concentration of data within the meaning of Article 3 of Regulation (EC) No 139/2004 or other means of a contractual, commercial, technical or any other nature involving another provider of core platform services or of any other services provided in the digital sector irrespective of whether it is

Digital Markets Act COM (2020) 842 final

competent national competition authority under national merger rules.	notifiable to a Union competition authority under Regulation (EC) No 139/2004 or to a competent national competition authority under national merger rules.
---	---

Justification Art 18(2) (new)

Transparency is key. The findings, information and decisions made by the European Commission shall be presented and discussed with the European Parliament and the 27 Member States.

Opening of proceedings Article 18	Opening of proceedings Article 18(2) (new)
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.	<p>(1) 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.</p> <p>(2) <i>When the Commission adopts a decision opening a proceeding, all relevant findings and information shall be gathered in a report, which is to be presented to the European Parliament and the Member States and be made accessible publicly on the official website of the European Commission.</i></p>

Justification Article 19(3) and Article 19(4)

The Digital Markets Act foresees several concrete defined timeframes, whereas in Article 19 these time frames can be fixed by the Commission. A simple request for information should be able to be submitted fast, we suggest a defined timeframe of a maximum three months.

Requests for information Article 19(3)	Requests for information Article 19(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 information or explanations.	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, <i>in any case not exceeding three months</i> , and the penalties provided for in Article 26 for

Digital Markets Act COM (2020) 842 final

	supplying incomplete, incorrect or misleading information or explanations.
--	--

Requests for information Article 19(4)	Requests for information Article 19(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.	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, <i>in any case not exceeding three months</i> . 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.

Justification Article 26(5) (new) and Article 27(3) (new)

The European Public Sphere is an alternative to the big non-European providers to regain the sphere of influence. Europe shall strengthen its digital sovereignty by developing a digital ecosystem whose technical design is specifically geared to European values such as diversity and openness. In order to realize these goals, the digital infrastructure must be understood as a component of public services of general interest. This is because a digital space requires a freely accessible infrastructure that is state-supported and subject to European regulation. In this respect, a key task of the European Public Sphere is to incorporate values such as security, democracy, openness, privacy, solidarity, self-determination, plurality, sustainability, justice and human dignity into technology design. The overall EPS technology strategy aims to implement open and easily reusable standards that can be further developed in a decentralized manner and enter into combinations with other technologies. A digital strategy along these lines enables a diverse range of platforms, products and business models independent of sectors and industries.

Additionally, to further build up digital resilience within the European Union it must be ensured that data from European critical infrastructure is maintained within the bounds of the Union, as data from e.g. the public sector or the health sector, are important resources that must be handled with great care.

Digital Markets Act COM (2020) 842 final

Fines Article 26(5) (new)	Fines Article 26(5) (new)
	<i>Fines collected pursuant to Article 26 shall be used in order to strengthen the digital resilience within the European Union.</i>
Periodic penalty payments Article 27(3) (new)	Periodic penalty payments Article 27(3) (new)
	<i>Periodic penalty payments collected pursuant to Article 27 shall be used in order to strengthen the digital resilience within the European Union.</i>

Justification Article 27(1) (h) (new)

Article 27(1) (h) (new) is linked to our introduced Article 3(3), where in case of failing to provide relevant information by the gatekeeper shall have consequences. We suggest that reasonable periodic penalty payments pursuant to Article 27 should be enforced.

Periodic penalty payments Article 27(1) (h) (new)	Periodic penalty payments Article 27(1) (h) (new)
	<i>(h) to comply with a decision pursuant to Article 3(3);</i>

Justification Article 27(bis) (new)

Article 16 foresees that in case of a systematic non-compliance by gatekeepers the Commission may impose any behavioural or structural remedies. We recommend an additional penalty that facilitates the enforcement of imposed remedies pursuant to Article 16(1) and Article 16(2), that go beyond fines and periodic penalty payments.

Periodic penalty payments Article 27(bis) (new)	Periodic penalty payments Article 27(bis) (new)
	<i>The Commission may by decision utilise findings with regard to non-compliance by gatekeeper pursuant to Article 16(1) and enforce structural remedies imposed pursuant to Article 16(2).</i>

Justification Art 31(1)

Adequate data is key for being able to act effectively and administratively efficiently in terms of the use of public resources. Without a suitable data basis, the mandates for

Digital Markets Act COM (2020) 842 final

action defined in the laws of legislative bodies cannot be implemented. Therefore, in the case of public interest the publication of information shall be authorised.

Professional secrecy Article 31(1) (subparagraph) (new)	Professional secrecy Article 31(1) (subparagraph) (new)
The information collected pursuant to Articles 3, 12, 13, 19, 20 and 21 shall be used only for the purposes of this Regulation.	The information collected pursuant to Articles 3, 12, 13, 19, 20 and 21 shall be used only for the purposes of this Regulation. <i>To this end, the publication of information collected pursuant to Articles 3, 12, 13, 19, 20 and 21 might be authorised through overriding reasons of public interest and shall not be seen in contradiction with the purposes of this regulation.</i>

Justification Article 32(5) (new)

For reasons of independence, we want to emphasize the Code of Conduct that is already established at Commission level.

Digital Markets Advisory Committee Article 32(5) (new)	Digital Markets Advisory Committee Article 32(5) (new)
	<i>Members assigned to the Digital Markets Advisory Committee shall act under the rights and obligations pursuant to the Staff Regulations and Code of Good Administrative Behaviour.</i>

Justification Article 33 (bis) (new)

The protection of persons, who report breaches of Union law by gatekeepers, shall be ensured with the application of Directive (EU) 2019/1937. This is important for the effective enforcement of this Regulation, as persons employed by or affiliated with gatekeepers are more encouraged to report transgressions.

Requests for market investigations Article 33(bis) (new)	Requests for market investigations Article 33(bis) (new)
	<i>For the effective enforcement of this Regulation, Directive (EU) 2019/1937 of the Parliament and of the Council on the protection of persons who report breaches of Union law shall apply. To this end, persons pursuant to Article 4</i>

Digital Markets Act COM (2020) 842 final

	<i>of Directive (EU) 2019/1937 shall be encouraged to report breaches of Union law to a competent national authority, which shall transmit it to the Commission and the Digital Markets Advisory Committee. The reported transgression shall be assessed and enforced within three months of transmission to the Commission and the Digital Market Advisory Committee.</i>
--	--

Justification Article 34 (bis) (new)

Transparency shall be ensured by publishing meetings between providers and the European Commission to ensure that decisions made by the Commission can be retraced. This shall be in line with the EU transparency register.

Publication of decisions Article 34(bis) (new)	Publication of decisions Article 34(bis) (new)
	<i>Meetings between representatives of gatekeepers and members of the Digital Market Advisory Committee and the Commission shall be registered and published monthly in line with the EU transparency register. To this end, the registration in the EU transparency register shall be mandatory for gatekeepers, undertakings and associations of undertakings pursuant to Article 3(1) of this Regulation.</i>