

WE WELCOME COUNCIL'S GA AS MORE BALANCED AND ENFORCEABLE

We should avoid complex and difficult provisions with unknown implications:

- Art. 12a /or EP art. 12a and 12b/: *Enforcement* is important for every legislation, but in contractual relations (and freedom/independence) it shall mean comprehensive alternative solutions, suitable for companies' needs, WITHOUT the obligation for creating extra/additional national legislation (and/or additional tasks for public bodies) to implement the provisions, because the aim is to avoid further fragmentation that could harm Digital Single Market.
- EP Art. 6a and Annex I – *Unfair trading practices* – P2B should NOT be a „vessel” to impose such horizontal and general bans in the contracts between the companies.
- *Operating systems* (EP: art. 1(2aa), art. 2(3a) and 2(3b), art. 2a) – this broad notion leaves too much room for unnecessary misinterpretation, lack of legal clarity and certainty, it is NOT technologically neutral.
- [Art. 7 – *Access to data* – platform Customer already had access to own data, but doubts arise on the scope that brings no added value to the business user, internal access to data generated within a transaction is questionable on the scope within explicit consent may reduce effective Customer service]

THERE ARE HOWEVER 3 POINTS THE EUROPEAN PARLIAMENT HAVE RAISED:

- Art. 2: facilitating the initiating of direct transactions – the scope should be less vast as there are platforms that provide info but does not directly facilitate sales: i.e. What to expect, vivino, daily motion. Council has mentioned it in its proposal.
- Art. 4: termination and suspension of accounts – detailed exception list would be beneficial for consumers that would not have to wait 15 days for unfair seller or user to stop their activity or application that violates users rights without notice
- Art. 5 (4) on trade secrets – their protection is crucial both from platform and customer perspective whose data shall be well protected to avoid their misuse i.e. Spam, desinformation, dangerous content, false banking and insurance apps