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Delegations will find attached the 4-column document as prepared for the first trilogue held on 14 January 2020.

on the proposal for a directive of the European Parliament and of the Council on representative actions for the protection of the collective interests of consumers, and repealing Directive 2009/22/EC

2018/0089(COD)

Version 1 [1st trilogue Representative Actions 4column doc.]

Last change: 09-01-2020 at 18h20

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2018/0089 (COD)	2018/0089 (COD)	2018/0089 (COD)	
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on representative actions for the protection of the collective interests of consumers, and repealing Directive 2009/22/EC (Text with EEA relevance)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on representative actions for the protection of the collective interests of consumers, and repealing Directive 2009/22/EC (Text with EEA relevance)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on representative actions for the protection of the collective interests of consumers, and repealing Directive 2009/22/EC (Text with EEA relevance)	
Formula				

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3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , _____	Having regard to the opinion of the European Economic and Social Committee ¹ , _____	Having regard to the opinion of the European Economic and Social Committee [†] , _____	

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	1. OJ C [...], [...], p. [...].	1. OJ C [...], [...], p. [...].	1. OJ C [...], [...], p. [...].	
Citation 5				
8	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
9	Whereas:	Whereas:	Whereas:	
Recital -1				
9a			(-1) Globalisation and digitalisation have increased the risk of a large number of consumers being harmed by the same unlawful practice. Infringements of Union law cause consumer detriment. Without effective means to obtain the cessation of unlawful practices and redress losses of consumers, consumer confidence in the internal market is hindered.	
Recital -1a				
9b			(-1a) Lack of effective means of	

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			<p>enforcement of Union law protecting consumers could also give rise to distortion of fair competition between infringing traders and compliant traders that operate either domestically or cross-border. This could hamper the smooth functioning of the internal market.</p>	
Recital -1b				
9c			<p>(-1b) In accordance with Article 26(2) of the Treaty on the Functioning of the European Union (TFEU), the internal market is to comprise an area without internal frontiers in which the free movement of goods and services is ensured. The internal market should provide consumers with added value in the form of better quality, greater variety, reasonable prices and high safety standards for goods and services, which should promote a high level of consumer protection.</p>	
Recital -1c				
9d				

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			(-1c) Article 169(1) and point (a) of Article 169(2) TFEU provide that the Union is to contribute to the attainment of a high level of consumer protection through measures adopted pursuant to Article 114 TFEU. Article 38 of the Charter of Fundamental Rights of the European Union provides that Union policies are to ensure a high level of consumer protection.	
Recital 1				
10	(1) The purpose of this Directive is to enable qualified entities, which represent the collective interest of consumers, to seek remedy through representative actions against infringements of provisions of Union law. The qualified entities should be able to ask for stopping or prohibiting an infringement, for confirming that an infringement took place and to seek redress, such as compensation, repair or price reduction as available under national laws.	(1) The purpose of this Directive is to enable qualified <u>representative</u> entities, which represent the collective interest of consumers, to seek remedy through representative actions against infringements of provisions of Union law. The qualified <u>representative</u> entities should be able to ask for stopping or prohibiting an infringement, for confirming that an infringement took place and to seek redress, such as compensation, <u>reimbursement of the price paid</u> , repair, <u>replacement, removal</u> , or price reduction <u>or contract</u>	<div style="border: 1px dashed black; padding: 2px; text-align: center;">deleted</div> <p style="background-color: #f4b084; padding: 2px;">Moved to recital 2c</p>	

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		<p><u>termination</u> as available under national laws.</p> <p>AM 1</p>		
Recital 2				
11	<p>(2) Directive 2009/22/EC of the European Parliament and of the Council¹ enabled qualified entities to bring representative actions primarily aimed at stopping and prohibiting infringements of Union law harmful to the collective interests of consumers. However, that Directive did not sufficiently address the challenges for the enforcement of consumer law. To improve the deterrence of unlawful practices and to reduce consumer detriment, it is necessary to strengthen the mechanism for protection of collective interests of consumers. Given the numerous changes, for the sake of clarity it is appropriate to replace Directive 2009/22/EC.</p> <p>_____</p> <p>1. OJ L 110/30, 1.5.2009.</p>	<p>(2) Directive 2009/22/EC of the European Parliament and of the Council¹ enabled qualified <u>representative</u> entities to bring representative actions primarily aimed at stopping and prohibiting infringements of Union law harmful to the collective interests of consumers. However, that Directive did not sufficiently address the challenges for the enforcement of consumer law. To improve the deterrence of unlawful practices, <u>to encourage good and responsible business practices</u>, and to reduce consumer detriment, it is necessary to strengthen the mechanism for protection of collective interests of consumers. Given the numerous changes, for the sake of clarity it is appropriate to replace Directive 2009/22/EC. <u>There is a strong need for Union intervention, on the basis of Article 114 TFEU, in order to ensure both access to</u></p>	<p>(2) Directive 2009/22/EC of the European Parliament and of the Council⁺ enabled qualified entities to bring representative actions primarily aimed at stopping and prohibiting infringements of Union law harmful to the collective interests of consumers. However, that Directive did not sufficiently address the challenges for the enforcement of consumer law. To improve the deterrence of unlawful practices and to reduce consumer detriment in an increasingly globalised and digitalised marketplace, it is necessary to strengthen the mechanism for protection of collective interests of consumers to cover redress measures as well as injunction measures. Given the numerous changes required, for the sake of clarity it is appropriate to replace Directive 2009/22/EC.</p> <p>_____</p>	

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		<p><u><i>justice and sound administration of justice as it will reduce the costs and burden entailed by individual actions.</i></u></p> <p>1. OJ L 110/30110, 1.5.2009, <u>p. 30.</u></p> <p>AM 2</p>	<p>1. OJ L 110/30, 1.5.2009.</p>	
Recital 2a				
11a			<p>(2a) Representative action procedures, both for injunction and redress measures, vary across the Union and offer different level of protection for consumers. There are also Member States that at present do not have any collective redress procedure in place. This diminishes consumers' and businesses' confidence and ability to operate in the internal market, distorts competition and hampers the effective enforcement of Union law in the field of consumer protection.</p>	
Recital 2b				
11b			<p>(2b) Addressing these issues requires at least one</p>	

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			<p>representative action procedure for injunction and redress measures in all Member States that corresponds to this Directive. Effective and efficient representative actions available across the Union should boost consumer confidence, empower consumers to exercise their rights, contribute to fairer competition and create a level playing field for traders operating in the internal market.</p> <p>Moved from recital 5</p>	
Recital 2c				
11c			<p>(2c) This Directive aims to contribute to the functioning of the internal market and the achievement of a high level of consumer protection by enabling qualified entities, which represent the collective interests of consumers, to bring representative actions for the purpose of both injunction and redress measures against traders infringing provisions of Union law. The qualified entities should be able to ask to stop or</p>	

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			<p>prohibit an infringement and to seek redress, such as compensation, repair or price reduction as appropriate and available under Union and national laws.</p> <p>Moved from recital 1</p>	
Recital 3				
12	<p>(3) A representative action should offer an effective and efficient way of protecting the collective interests of consumers. It should allow qualified entities to act with the aim of ensuring compliance with relevant provisions of Union law and to overcome the obstacles faced by consumers within individual actions, such as the uncertainty about their rights and available procedural mechanisms, psychological reluctance to take action and the negative balance of the expected costs and benefits of the individual action.</p>	<p>(3) A representative action should offer an effective and efficient way of protecting the collective interests of consumers <u>against both internal and cross-border infringements</u>. It should allow qualified <u>representative</u> entities to act with the aim of ensuring compliance with relevant provisions of Union law and to overcome the obstacles faced by consumers within individual actions, such as the uncertainty about their rights and available procedural mechanisms, <u>previous experience of unsuccessful claims, excessively lengthy proceedings</u>, psychological reluctance to take action and the negative balance of the expected costs and benefits of the individual action, <u>thereby</u></p>	<p>(3) A representative action should offer an effective and efficient way of protecting the collective interests of consumers. It should allow qualified entities to act with the aim of ensuring compliance with relevant provisions of Union law and to overcome the obstacles faced by consumers within individual actions, such as the uncertainty about their rights and available procedural mechanisms, psychological reluctance to take action and the negative balance of the expected costs and benefits of the individual action.</p>	

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		<p><u>increasing legal certainty for both claimants and defendants, as well as for the legal system.</u></p> <p>AM 3</p>		
Recital 4				
13	<p>(4) It is important to ensure the necessary balance between access to justice and procedural safeguards against abusive litigation which could unjustifiably hinder the ability of businesses to operate in the Single Market. To prevent the misuse of representative actions, elements such as punitive damages and the absence of limitations as regards the entitlement to bring an action on behalf of the harmed consumers should be avoided and clear rules on various procedural aspects, such as the designation of qualified entities, the origin of their funds and nature of the information required to support the representative action, should be laid down. This Directive should not affect national rules concerning the allocation of procedural costs.</p>	<p>(4) It is important to ensure the necessary balance between access to justice and procedural safeguards against abusive litigation which could unjustifiably hinder the ability of businesses to operate in the Single Market. To prevent the misuse of representative actions, elements such as punitive damages and the absence of limitations as regards the entitlement to bring an action on behalf of the harmed consumers should be avoided and clear rules on various procedural aspects, such as the designation of qualified <u>representative</u> entities, the origin of their funds and nature of the information required to support the representative action, should be laid down. <u>The unsuccessful party</u> This Directive should not affect national rules concerning the allocation of procedural <u>bear the costs of the</u></p>	<p>(4) It is important to ensure the necessary balance between access to justice and procedural safeguards against abusive litigation which could unjustifiably hinder the ability of businesses to operate in the Single internal market. To prevent the misuse of representative actions, elements such as punitive damages and the absence of limitations as regards the entitlement to bring an action on behalf of the harmed consumers should be avoided and clear certain procedural aspects, such as the designation and funding of qualified entities, the origin of their funds and nature of the information required to support the representative action, should be laid down. This Directive should not affect national rules concerning the allocation of procedural costs.</p>	

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		<p><u>proceedings. However, the court or tribunal should not award costs to the unsuccessful party to the extent that they were unnecessarily incurred or are disproportionate to the claim.</u></p> <p>AM 4</p>	<p>Last sentence moved partially to recital 13c</p>	
Recital 4a				
13a			<p>(4a) This Directive should not replace existing national procedural mechanisms aiming at the protection of collective or individual consumer interests. Taking into account their legal traditions, it leaves to the discretion of the Member States whether to design the representative action set out by this Directive as a part of an existing or future collective injunction or redress mechanism or as a separate mechanism, insofar as at least one national procedural mechanism in the form of representative action complies with the modalities set by this Directive. For instance, this Directive should not prevent Member States from enacting</p>	

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			<p>legislation on actions for a declaratory decision even though this Directive does not provide for rules on such actions. If there are mechanisms in place at national level in addition to the mechanism required by this Directive, the qualified entity could choose which mechanism to use.</p> <p>Moved from recital 24</p>	
Recital 4b				
13b			<p>(4b) In line with the principle of procedural autonomy, this Directive should not contain provisions on all aspects of proceedings in representative actions. Consequently, it is for the Member States to set down rules, for instance, on admissibility, evidence or means of appeal applicable to representative actions. For example, it should be for Member States to decide on the required degree of similarity of individual claims or the minimum number of consumers concerned by an action for redress for the purpose of a case</p>	

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			being admitted to be heard as a representative action. Such national rules should not hamper the effective functioning of representative actions as set out by this Directive.	
Recital 5				
14	(5) Infringements that affect the collective interests of consumers often have cross-border implications. More effective and efficient representative actions available across the Union should boost consumer confidence in the internal market and empower consumers to exercise their rights.	(5) Infringements that affect the collective interests of consumers often have cross-border implications. More effective and efficient representative actions available across the Union should boost consumer confidence in the internal market and empower consumers to exercise their rights.	<div style="border: 1px dashed black; padding: 2px; display: inline-block;">deleted</div> Moved to recital 2b	
Recital 6				
15	(6) This Directive should cover a variety of areas such as data protection, financial services, travel and tourism, energy, telecommunications and environment. It should cover infringements of provisions of Union law which protect the interests of consumers, regardless of whether they are referred to as consumers or as travellers, users,	(6) This Directive should cover a variety of areas such as data protection, financial services, travel and tourism, energy, telecommunications, <u>environment and health</u> and <u>environment</u> . It should cover infringements of provisions of Union law which protect the <u>collective</u> interests of consumers, regardless of whether they are	(6) The scope of this Directive should cover a variety of areas such as data reflect the recent developments in the field of consumer protection, financial services, travel and tourism, energy, telecommunications and environment. It should cover infringements of provisions of Union law which protect the interests of consumers, regardless	

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	<p>customers, retail investors, retail clients or other in the relevant Union law. To ensure adequate response to infringement to Union law, the form and scale of which is quickly evolving, it should be considered, each time where a new Union act relevant for the protection of the collective interests of consumers is adopted, whether to amend the Annex to the present Directive in order to place it under its scope.</p>	<p>referred to as consumers or as travellers, users, customers, retail investors, retail clients or other in the relevant Union law, <u>as well as the collective interests of data subjects within the meaning of the GDP Regulation</u>. To ensure adequate response to infringement to Union law, the form and scale of which is quickly evolving, it should be considered, each time where a new Union act relevant for the protection of the collective interests of consumers is adopted, whether to amend the Annex to the present Directive in order to place it under its scope.</p> <p>AM 5</p>	<p>of whether they are referred to as consumers or as travellers, users, customers, retail investors, retail clients or other in the relevant Union law. To ensure adequate response to infringement to Union law, the form and scale of which is quickly evolving, it should be considered, each time where a new Union act relevant for the protection of the collective interests of consumers is adopted, whether to amend the Annex to the present Directive in order to place it under its scope. Since consumers now operate in a wider and increasingly digitalised market, achieving a high level of consumer protection requires that areas such as data protection, financial services, travel and tourism, energy and telecommunications are covered by the Directive, in addition to general consumer law. In particular, as there is increased consumer demand for financial and investment services, it is important to improve the enforcement of consumer law in these fields. Also in the field of digital</p>	

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			<p>services, the consumer market has evolved and there is an increased need for a more efficient enforcement of consumer law, including data protection.</p> <p>Moved to recitals 6a, 6b, 6c and 6d</p>	
Recital 6a				
15a		<p><u><i>(6a) This Directive applies to representative actions brought against infringements with a broad consumer impact related to the provisions covered by the Union law listed in Annex I. The broad impact starts when two consumers are affected.</i></u></p> <p>AM 6</p>	<p>(6a) The Directive should cover infringements of provisions of Union law listed in Annex I to this Directive to the extent that these provisions protect the interests of consumers, regardless of whether they are referred to as consumers or as travellers, users, customers, retail investors, retail clients, data subjects or other. However, it should protect the interests of natural persons that may be harmed or have been harmed by those infringements only if they qualify as consumers according to this Directive. Infringements harming natural persons qualifying as traders should not be covered.</p> <p>Moved from recital 6</p>	

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Recital 6b				
15b			<p>(6b) This Directive should be without prejudice to the legal acts listed in Annex I and therefore it should not change or extend the definitions provided therein or replace any enforcement mechanisms that those legal acts may contain. For example, the enforcement mechanisms provided for or based on Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation) could, if applicable, still be used for the protection of the collective interests of consumers.</p> <p>Moved from recital 6</p>	
Recital 6c				
15c			<p>(6c) For the sake of clarity, the scope of this Directive should be set out as precisely as possible in Annex I. If the legal acts listed in Annex I contain provisions that do not relate to consumer</p>	

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			<p>protection, reference should be made to the specific provisions that protect consumers' interests. However, such references are not always feasible or possible due to the structure of certain legal acts, in particular in the field of financial services, including investment services.</p> <p>Moved from recital 6</p>	
Recital 6d				
15d			<p>(6d) To ensure adequate response to infringement to Union law, the form and scale of which is quickly evolving, it should be considered, each time where a new Union act relevant for the protection of the collective interests of consumers is adopted, whether to amend Annex I to this Directive in order to place the new act under the scope of this Directive.</p> <p>Moved from recital 6</p>	
Recital 6e				
15e				

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			(6e) Member States should remain competent, in accordance with Union law, to apply the provisions of this Directive to areas not falling within its scope. Member States may for instance maintain or introduce national legislation corresponding to the provisions of this Directive, or certain of its provisions, in relation to disputes that fall outside the scope of Annex I.	
Recital 7				
16	(7) The Commission has adopted legislative proposals for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air ¹ and for a Regulation of the European Parliament and of the Council on rail passengers' rights	(7) The Commission has adopted legislative proposals for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air ¹ and for a Regulation of the European Parliament and of the Council on rail passengers' rights	(7) The Commission has adopted legislative proposals for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air ⁺ and for a Regulation of the European Parliament and of the Council on rail passengers' rights	

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	<p>and obligations.² It is therefore appropriate to provide that, one year after the entry into force of this Directive, the Commission assesses whether the Union rules in the area of air and rail passengers' rights offer an adequate level of protection for consumers, comparable to that provided for in this Directive, and draws any necessary conclusions as regards the scope of this Directive.</p> <p><u>1. COM(2013) 130 final.</u> 2. COM(2017) 548 final.</p>	<p>and obligations.² It is therefore appropriate to provide that, one year after the entry into force of this Directive, the Commission assesses whether the Union rules in the area of air and rail passengers' rights offer an adequate level of protection for consumers, comparable to that provided for in this Directive, and draws any necessary conclusions as regards the scope of this Directive.</p> <p><u>1. COM(2013) 130 final.</u> 2. COM(2017) 548 final.</p>	<p>and obligations.² It is therefore appropriate to provide that, one year after the entry into force of this Directive, the Commission assesses whether the Union rules in the area of air and rail passengers' rights offer an adequate level of protection for consumers, comparable to that provided for in this Directive, and draws any necessary conclusions as regards the scope of this Directive.</p> <p><u>1. COM(2013) 130 final.</u> 2. COM(2017) 548 final.</p>	
Recital 7a				
16a			<p>(7a) Since both judicial and administrative procedures may effectively and efficiently serve the protection of the collective interests of consumers, it is left to the discretion of the Member States whether the representative action can be brought in judicial or administrative proceedings, or both, depending on the relevant area of law or relevant economic sector. This shall be without prejudice to the right to an</p>	

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			<p>effective remedy under Article 47 of the Charter of Fundamental Rights of the European Union, whereby Member States shall ensure that consumers and traders have the right to an effective remedy before a court or tribunal, against any administrative decision taken pursuant to national provisions implementing this Directive. This shall include the possibility for the parties to obtain a decision granting suspension of enforcement of the disputed decision, in accordance with national law.</p> <p>Moved from recital 12</p>	
Recital 8				
17	(8) Building on Directive 2009/22/EC, this Directive should cover both domestic and cross-border infringements, in particular when consumers concerned by an infringement live in one or several Member States other than the Member State where the infringing trader is established. It should also cover infringements	(8) Building on Directive 2009/22/EC, this Directive should cover both domestic and cross-border infringements, in particular when consumers concerned by an infringement live in one or several Member States other than the Member State where the infringing trader is established. It should also cover infringements	(8) Building on Directive 2009/22/EC, this Directive should cover both domestic and cross-border infringements, in particular when consumers concerned affected by an infringement live in one or several Member States other than the Member State where the infringing trader is established. It should also cover	

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	which ceased before the representative action started or concluded, since it may still be necessary to prevent the repetition of the practice, establish that a given practice constituted an infringement and facilitate consumer redress.	which ceased before the representative action started or concluded, since it may still be necessary to prevent the repetition of the practice, establish that a given practice constituted an infringement and facilitate consumer redress.	infringements which have ceased before the representative action has been started or concluded, since it may still be necessary to prevent the repetition of the practice by prohibiting it, to establish that a given practice constituted an infringement and to facilitate consumer redress.	
Recital 9				
18	(9) This Directive should not establish rules of private international law regarding jurisdiction, the recognition and enforcement of judgments or applicable law. The existing Union law instruments apply to the representative actions set out by this Directive.	(9) This Directive should not establish rules of private international law regarding jurisdiction, the recognition and enforcement of judgments or applicable law. The existing Union law instruments apply to the representative actions set out by this Directive <u>preventing any increase in forum shopping.</u> AM 7	(9) This Directive should not affect the application of nor establish rules of private international law regarding jurisdiction, the recognition and enforcement of judgments or applicable law. The existing Union law instruments apply to the representative actions set out by this Directive. In particular, Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels Ia), Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law	

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			applicable to contractual obligations (Rome I) and Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) should apply to the representative actions set out by this Directive.	
Recital 9a				
18a		<u><i>(9a) This Directive should not affect the application of EU rules on private international law in cross-border cases. Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast - Brussels I), Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) and Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-</i></u>	(9-a) It should be noted that Brussels Ia does not cover competence of administrative authorities nor recognition or enforcement of decisions by such authorities. These questions should be left to national law.	

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		<p><u><i>contractual obligations (Rome II) apply to the representative actions set out by this Directive.</i></u></p> <p>AM 8</p>		
Recital 9b				
18b			<p>(9a) As the case may be, it could be possible, in accordance with rules on private international law, for a qualified entity to bring a representative action in the Member State where it has been designated as well as in another Member State. Building on Directive 2009/22/EC, this Directive should make a distinction between these two types of representative actions. When a qualified entity brings a representative action in another Member State than the one of its designation, that action should be considered a cross-border action. When a qualified entity brings a representative action in the Member State where it is designated, it should be considered a domestic representative action even if that action is brought against a trader domiciled in another</p>	

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			<p>Member State or even if consumers from several Member States are represented within that action. Decisive for determining the type of the representative action should be the Member State in which the action is brought. For this reason, a domestic representative action could not become a cross-border one during the course of proceedings, or vice versa.</p>	
Recital 9c				
18c			<p>(9b) Consumer organisations in particular should play an active role in ensuring compliance with relevant provisions of Union law and are all well placed to apply for the status of qualified entity in accordance with national law. According to national legal traditions, public bodies could also play an active role in ensuring compliance with relevant provisions of Union law by bringing the representative actions set out by this Directive.</p> <p>Moved from recital 11</p>	

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Recital 10				
19	<p>(10) As only qualified entities can bring the representative actions, to ensure that the collective interests of consumers are adequately represented the qualified entities should comply with the criteria established by this Directive. In particular, they would need to be properly constituted according to the law of a Member State, which could include for example requirements regarding the number of members, the degree of permanence, or transparency requirements on relevant aspects of their structure such as their constitutive statutes, management structure, objectives and working methods. They should also be not for profit and have a legitimate interest in ensuring compliance with the relevant Union law. These criteria should apply to both qualified entities designated in advance and to ad hoc qualified entities that are constituted for the purpose of a specific action.</p>	<p>(10) As only qualified <u>representative</u> entities can bring the representative actions, to ensure that the collective interests of consumers are adequately represented the qualified <u>representative</u> entities should comply with the criteria established by this Directive. In particular, they would need to be properly constituted according to the law of a Member State, which could <u>should</u> include for example requirements regarding the number of members, the degree of permanence, or transparency requirements on relevant aspects of their structure such as their constitutive statutes, management structure, objectives and working methods. They should also be not for profit and have a legitimate interest in ensuring compliance with the relevant Union law. <u>Furthermore, the qualified representative entities must be independent from market operators, including financially.</u> The These criteria should apply to both qualified <u>representative</u> entities designated in advance and</p>	<p>(10) As only qualified entities can bring the For the purpose of cross-border representative actions, to ensure that the collective interests of consumers are adequately represented the qualified entities should comply with the same criteria established by this Directive across the Union. In particular, they would need to be legal persons properly constituted according to the law of a Member State, which could include for example requirements regarding the number of members, the degree of permanence, or transparency requirements on relevant aspects have a certain degree of permanence and public activity, have a non-profit making character and have a legitimate interest, in light of their statutory purpose, in protecting consumer interests as provided by relevant Union law. For the purpose of protecting the consumers, those qualified entities should possess certain qualities necessary for taking decisions relating to representative actions on behalf</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><i>to ad hoc qualified entities that are constituted for the purpose of a specific action must also have an established procedure to prevent conflict of interests. Member States shall not impose criteria that go beyond those established in this Directive.</i></p> <p>AM 9</p>	<p>of the consumers. They should possess knowledge and skills in the field of their structure such as activity, including such understanding of law that they are independently able to make informed decisions on whether to bring a representative action or not. This should be without prejudice to their constitutive statutes, management structure, objectives and working methods right to use legal counsel such as lawyers. In order to guarantee the independence of the qualified entities, they should be financially sound and stable, taking into account for example any revenues or assets the entities may have. They should also be not for profit and have a legitimate interest in ensuring compliance with the relevant Union law. These criteria fully transparent about the source of their funding and provide for the relevant procedures to prevent detrimental influences to the collective interests of the represented consumers. In particular, qualified entities should apply to both qualified</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>entities designated in advance and to ad hoc qualified entities that are constituted for the purpose of a specific not be influenced by any third party, other than their legal counsel and the consumers concerned, in taking their procedural decisions in the context of the representative action, including on settlements. Such third parties should not provide financing for a representative action for redress against a defendant who is a competitor of the fund provider, or against a defendant on whom the fund provider is dependant. However, this should be without prejudice to any public funding.</p>	
Recital 10a				
19a			<p>(10a) Regarding qualified entities designated for the purpose of domestic representative actions, the Member States should be able to establish the criteria for such entities freely in accordance with their national legislation. However, Member States should be able to apply the criteria set out by this Directive for</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			qualified entities designated for the purpose of cross-border actions also in respect of qualified entities acting only for the purpose of domestic actions.	
Recital 10b				
19b			(10b) Any criteria applied to qualified entities in cross-border or domestic representative actions should not hamper the effective functioning of representative actions as set out by this Directive.	
Recital 10c				
19c			(10c) Member States could set out rules to limit the right of a qualified entity to bring a cross-border representative action to the area of activity of that entity. The rules could provide, for example, that qualified entities protecting consumer interests in the field of food safety or passenger rights could only bring cross-border representative actions that are related to these purposes.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 11				
20	(11) Independent public bodies and consumer organisations in particular should play an active role in ensuring compliance with relevant provisions of Union law and are all well placed to act as qualified entities. Since these entities have access to different sources of information regarding traders' practices towards consumers and hold different priorities for their activities, Member States should be free to decide on the types of measures that may be sought by each of these qualified entities in representative actions.	(11) Independent public bodies and consumer organisations in particular should play an active role in ensuring compliance with relevant provisions of Union law and are all well placed to act as qualified entities. Since these entities have access to different sources of information regarding traders' practices towards consumers and hold different priorities for their activities, Member States should be free to decide on the types of measures that may be sought by each of these qualified entities in representative actions.	deleted Moved to recital 9b	
Recital 11a				
20a			(11a) Member States should be able to designate qualified entities in advance. However, for the purpose of domestic representative actions, Member States could also or alternatively designate qualified entities on an ad hoc basis for a specific action. Such designation could be made by the court or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>administrative authority seized, including by way of acceptance, where applicable. However, for the purpose of cross-border representative actions, common safeguards are needed. Therefore, qualified entities designated on an ad hoc basis should not be allowed to bring cross-border representative actions.</p>	
Recital 11b				
20b			<p>(11b) It should be for the designating Member State to ensure that the qualified entity designated for the purpose of cross-border representative actions fulfils the criteria, to assess whether it continues to comply with them and, if necessary, to revoke the designation of the qualified entity. Member States should assess the compliance by qualified entities with the criteria at least every five years.</p>	
Recital 11c				
20c			<p>(11c) If concerns appear</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			regarding the compliance with the criteria by a qualified entity, the Member State that designated that entity should investigate the concerns and, where appropriate, revoke the designation. Member States should designate national contact points for the purpose of transmitting and receiving requests for investigations.	
Recital 11d				
20d			(11d) Member States should ensure that cross-border representative actions can be brought in their courts or administrative authorities by qualified entities designated for the purpose of such representative actions in another Member State. Furthermore, qualified entities from different Member States should be able to join forces within a single representative action in front of a single forum, subject to relevant rules on competent jurisdiction. This should be without prejudice to the right of the court or administrative authority seized	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			to examine whether the action is suitable to be heard as a single representative action.	
Recital 11e				
20e			(11e) The mutual recognition of the legal capacity of qualified entities designated for the purpose of cross-border representative actions should be ensured. The identity of these organisations and public bodies should be communicated to the Commission and the Commission should make that list publicly available. Inclusion on the list should serve as proof of the legal capacity of the organisation or public body bringing the action. This should be without prejudice to the right to examine whether the purpose of the qualified entity justifies the action in a specific case.	
Recital 11f				
20f			11ea In order to prevent conflicts of interest, Member States should be able to set out rules according to which their	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>courts or administrative authorities could examine whether a qualified entity bringing a cross-border representative action for redress is funded by a third party having an economic interest in the outcome of a specific cross-border representative action and, if this is the case, reject the legal capacity of the qualified entity for the purpose of that action.</p>	
Recital 11g				
20g			<p>(11f) When bringing a cross-border representative action, the qualified entity should be obliged to confirm to the court or the administrative authority overseeing the action that it still complies with the criteria. Nevertheless, the court or administrative authority should examine the compliance with the criteria if it becomes aware of any justified concerns in that regard.</p>	
Recital 11h				
20h				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(11g) Member States should take measures to address situations where the information presented by the entity on compliance with the criteria is incorrect. Those measures could include for example sanctions, dismissal of the action or other procedural measures. However, a dismissal of the action should not affect the rights of the consumers concerned by the action.	
Recital 11i				
20i			(11h) The courts or administrative authorities should be able to assess the admissibility of a specific cross-border representative action in accordance with national law. In accordance with the principle of non-discrimination, the admissibility requirements applied to specific cross-border representative actions should not differ from those applied to specific domestic representative actions.	
Recital 12				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
21	<p>(12) Since both judicial and administrative procedures may effectively and efficiently serve the protection of the collective interests of consumers it is left to the discretion of the Member States whether the representative action can be brought in judicial or administrative proceedings, or both, depending on the relevant area of law or relevant economic sector. This shall be without prejudice to the right to an effective remedy under Article 47 of the Charter of Fundamental Rights of the European Union, whereby Member States shall ensure that consumers and businesses have the right to an effective remedy before a court or tribunal, against any administrative decision taken pursuant to national provisions implementing this Directive. This shall include the possibility for the parties to obtain a decision granting suspension of enforcement of the disputed decision, in accordance with national law.</p>	<p>(12) Since both judicial and administrative procedures may effectively and efficiently serve the protection of the collective interests of consumers it is left to the discretion of the Member States whether the representative action can be brought in judicial or administrative proceedings, or both, depending on the relevant area of law or relevant economic sector. This shall be without prejudice to the right to an effective remedy under Article 47 of the Charter of Fundamental Rights of the European Union, whereby Member States shall ensure that consumers and businesses have the right to an effective remedy before a court or tribunal, against any administrative decision taken pursuant to national provisions implementing this Directive. This shall include the possibility for the parties to obtain a decision granting suspension of enforcement of the disputed decision, in accordance with national law.</p>	<p style="text-align: center;">deleted</p> <p>Moved to recital 7a</p>	
Recital 12a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
21a			<p>(12a) Injunction measures aim at the protection of the collective interests of consumers independently of any actual loss or damage suffered by individual consumers. Injunction measures may require traders to take specific action, such as providing consumers with the information previously omitted in violation of legal obligations. A decision on an injunction measure should not depend on whether the practice was committed intentionally or by negligence.</p> <p>Moved from recital 14</p>	
Recital 12b				
21b			<p>(12b) When bringing a representative action, the qualified entity should provide sufficient information on the consumers concerned by the action to the court or the administrative authority. The information should allow the court or the administrative authority to establish its jurisdiction and the applicable</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>law. In a case related to tort this would require informing the court or the administrative authority of the place where the harmful event affecting the consumers occurred or may occur. The detail of the required information could differ depending on which measure the qualified entity is seeking and whether an opt-in or an opt-out mechanism is applied. Furthermore, when bringing a representative action for injunction measures, the possible suspension or interruption of limitation periods applicable to subsequent claims for redress would require the qualified entity to provide sufficient information on the group of consumers concerned by the action.</p>	
Recital 13				
22	(13) To increase the procedural effectiveness of representative actions, qualified entities should have the possibility to seek different measures within a single representative action or within separate representative actions.	(13) To increase the procedural effectiveness of representative actions, qualified entities should have the possibility to seek different measures within a single representative action or within separate representative actions.	(13) To increase the procedural effectiveness of representative actions, Member States should ensure that qualified entities should have the possibility are able to seek different injunction measures within a single	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>These measures should include interim measures for stopping an ongoing practice or prohibiting a practice in case the practice has not been carried out but there is a risk that it would cause serious or irreversible harm to consumers, measures establishing that a given practice constitutes an infringement of law and, if necessary, stopping or prohibiting the practice for the future, as well as measures eliminating the continuing effects of the infringement, including redress. If sought within a single action, qualified entities should be able to seek all relevant measures at the moment of bringing the action or first seek relevant injunctions order and subsequently and if appropriate redress order.</p>	<p>These measures should include interim measures for stopping an ongoing practice or prohibiting a practice in case the practice has not been carried out but there is a risk that it would cause serious or irreversible harm to consumers, measures establishing that a given practice constitutes an infringement of law and, if necessary, stopping or prohibiting the practice for the future, as well as measures eliminating the continuing effects of the infringement, including redress. If sought within a single action, qualified entities should be able to seek all relevant measures at the moment of bringing the action or first seek relevant injunctions order and subsequently and if appropriate redress order.</p>	<p>representative action or within separate and redress measures. With the objective of the procedural effectiveness of representative actions. These measures, Member States should include interim measures for stopping an ongoing practice or prohibiting a practice in case the practice has not been carried out but there is a risk that it would cause serious or irreversible harm to consumers, be able to decide that qualified entities have the possibility to seek injunction and redress measures establishing that a given practice constitutes an infringement of law and, if necessary, stopping or prohibiting the practice for the future, as well as measures eliminating the continuing effects of the infringement, including redress within a single representative action or within separate representative actions. If sought within a single action, qualified entities should be able to seek all relevant measures at the moment of bringing the action or first seek relevant injunctions order injunction measures and subsequently and if appropriate</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			redress-order measures.	
Recital 13a				
22a			<p>(13a) The qualified entity bringing the representative action under this Directive should be seeking the relevant measures, including redress measures, in the interests of the consumers affected by an infringement. The qualified entity should have the procedural rights and obligations of the claimant party to the proceedings. Member States could provide individual consumers concerned by the action with certain rights within the representative action. However, individual consumers should not be able to interfere with the procedural decisions undertaken by the qualified entities, individually request evidence within the proceedings or individually appeal the procedural decisions of the court or the administrative authority overseeing the representative action. Neither should the individual consumers have procedural obligations</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			within the representative action.	
Recital 13b				
22b			(13b) However, the consumers concerned should be entitled to benefit from the representative action. In representative actions for redress measures, these benefits would come in form of remedies, such as compensation, repair, replacement, price reduction, contract termination or reimbursement of the price paid. In representative actions for injunction measures, the benefit would be the cessation or prohibition of a practice that constitutes an infringement.	
Recital 13c				
22c			(13c) This Directive should not affect national rules on recovery of procedural costs or on the "loser pays" principle. Individual consumers concerned by an action should not bear the costs of the proceedings, neither those of the qualified entity nor the trader. Exceptions to this rule should be made only in	

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			<p>exceptional circumstances, as provided for in national law, such as when a consumer has deliberately or negligently caused unnecessary legal costs by, for example, prolonging the proceedings by unlawful conduct, or when it is otherwise exceptionally justified. The costs of the proceedings should include, for example, any costs resulting from the fact that either party was represented by a lawyer or another legal professional, or any costs arising from the service or translation of documents. Moreover, Member States should be able to set out rules that allow qualified entities to require modest entry fees or similar participation charges from the consumers who have explicitly expressed their will to be represented by a qualified entity within a particular representative action for redress measures.</p>	
Recital 14				
23	(14) Injunction orders aim at the protection of the collective interests of consumers	(14) Injunction orders aim at the protection of the collective interests of consumers	<div style="border: 1px dashed black; padding: 2px; display: inline-block;">deleted</div>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	independently of any actual loss or damage suffered by individual consumers. Injunction orders may require traders to take specific action, such as providing consumers with the information previously omitted in violation of legal obligations. Decisions establishing that a practice constitutes an infringement should not depend on whether the practice was committed intentionally or by negligence.	independently of any actual loss or damage suffered by individual consumers. Injunction orders may require traders to take specific action, such as providing consumers with the information previously omitted in violation of legal obligations. Decisions establishing that a practice constitutes an infringement should not depend on whether the practice was committed intentionally or by negligence.	Moved to recital 12a	
Recital 14a				
23a			(14a) Injunction measures should include definitive and provisional measures. The latter could cover interim, precautionary and preventive measures for stopping an ongoing practice or prohibiting a practice in case the practice has not been carried out but there is a risk that it would cause serious or irreversible harm to consumers. Injunction measures could also include measures establishing that a given practice constitutes an infringement of law, in cases where that practice ceased	

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			<p>before the representative actions has been brought, when there is still a need for establishing that such a practice constituted an infringement of law, for instance to facilitate follow-up actions for redress measures. They could, moreover, include an obligation for the infringing trader to publish the decision on the measure in full or in part, in such form as deemed adequate, or to publish a corrective statement.</p> <p>Moved from recital 13</p>	
Recital 14b				
23b			<p>(14b) Building on directive 2009/22/EC, Member States should be able to require that a prior consultation be undertaken by the party that intends to bring an action for an injunction, in order to give the defendant an opportunity to bring the contested infringement to an end. Member States should be able to require that this prior consultation takes place jointly with an independent public body</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			designated by those Member States. Where the Member States have established that there should be prior consultation, a deadline of two weeks after the request for consultation is received should be set after which, should the cessation of the infringement not be achieved, the applicant should be entitled to bring an action, without any further delay, before the competent court or administrative authority. These requirements could, in accordance with national law, be applied also to actions for redress measures.	
Recital 15				
24	(15) The qualified entity initiating the representative action under this Directive should be a party to the proceedings. Consumers concerned by the infringement should have adequate opportunities to benefit from the relevant outcomes of the representative action. Injunction orders issued under this Directive should be without prejudice to individual actions brought by	(15) The qualified entity initiating the representative action under this Directive should be a party to the proceedings. Consumers concerned by the infringement should have adequate <u>information regarding</u> opportunities to benefit from the relevant outcomes of the representative action <u>and how they can benefit from them.</u> Injunction orders issued under this	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	consumers harmed by the practice subject to the injunction order.	Directive should be without prejudice to individual actions brought by consumers harmed by the practice subject to the injunction order. AM 10		
Recital 15a				
24a			(15a) This Directive provides for a procedural mechanism, which does not affect the rules establishing substantive rights of consumers to contractual and non-contractual remedies in case their interests have been harmed by an infringement, such as the right to compensation for damages, contract termination, reimbursement, replacement, repair or price reduction as appropriate and as available under Union or national law. This Directive should not enable punitive damages being imposed on the infringing trader or overcompensation being awarded to consumers affected by an infringement. A representative action seeking redress under this Directive can	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>only be brought where Union or national law provides for such substantive rights.</p> <p>Moved from recital 23</p>	
Recital 15b				
24b			<p>(15b) Consumers concerned by a representative action for redress should have adequate opportunities, after the action has been brought, to express their will on whether or not to be represented by the qualified entity in that specific representative action and whether or not to benefit from the relevant outcomes of that representative action. To best respond to their legal traditions, Member States should provide for an opt-in or opt-out mechanism, or a combination of both. In an opt-in mechanism, consumers should be required to explicitly express their will to be represented by the qualified entity within a representative action for redress. In an opt-out mechanism, consumers should be required to explicitly express their will not to be represented</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			by the qualified entity within a representative action for redress. Member States should be able to decide at which stage of the representative action the individual consumers could exercise their right to opt in or opt out from the proceedings.	
Recital 15c				
24c			15ba Member States providing for an opt-in mechanism should be able to require that some consumers opt in to the action for a redress measure before the action has been brought as long as other consumers have an opportunity to opt in also after the action has been brought.	
Recital 15d				
24d			(15c) However, in order to ensure sound administration of justice and to avoid irreconcilable judgments, an opt-in mechanism should be required regarding a representative action for redress when the consumers affected by an infringement do not	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>habitually reside in the Member State of the court or administrative authority before which the representative action is brought. In such a situation, consumers should have to explicitly express their will to be represented in that representative action in order to be bound by the outcome of the action.</p>	
Recital 15e				
24e			<p>(15d) When consumers explicitly or tacitly express their will to be represented by a qualified entity within a representative action for redress, whether that action is brought within an opt-in or an opt-out mechanism, they should no longer be able to be represented in other representative actions nor bring individual actions with the same cause of action and against the same trader. However, this should not apply if a consumer, after having explicitly or tacitly expressed his or her will to be represented within a representative action for</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			redress, later opts out from that action in accordance with national law, for example when a consumer later refuses to be bound by a settlement.	
Recital 15f				
24f			<p>(15e) For expediency and efficiency reasons, the Member States in accordance with their national laws could also provide consumers with the possibility to directly benefit from a redress measure after it was issued without other requirements on prior participation in the action.</p> <p>Moved from recital 20</p>	
Recital 15g				
24g			<p>(15f) Member States should lay down rules for the coordination between representative actions, individual actions initiated by individual consumers and any other actions aimed at the protection of individual and collective interests of consumers as provided under Union and national law. Injunction</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>measures issued under this Directive should be without prejudice to individual redress actions brought by consumers harmed by the practice subject to the injunction measures.</p> <p>Moved from recital 15</p>	
Recital 16				
25	<p>(16) Qualified entities should be able to seek measures aimed at eliminating the continuing effects of the infringement. These measures should take the form of a redress order obligating the trader to provide for, inter alia, compensation, repair, replacement, price reduction, contract termination or reimbursement of the price paid, as appropriate and as available under national laws.</p>	<p>(16) Qualified <u>representative</u> entities should be able to seek measures aimed at eliminating the continuing effects of the infringement. These measures should take the form of a redress order obligating the trader to provide for, inter alia, compensation, repair, replacement, <u>removal</u>, price reduction, contract termination or reimbursement of the price paid, as appropriate and as available under national laws.</p> <p>AM 11</p>	<p>deleted</p>	
Recital 17				
26	<p>(17) The compensation awarded to consumers harmed in a mass</p>	<p>(17) The compensation awarded to consumers harmed in a mass</p>	<p>deleted</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	harm situation should not exceed the amount owed by the trader in accordance with the applicable national or Union Law in order to cover the actual harm suffered by them. In particular, punitive damages, leading to overcompensation in favour of the claimant party of the damage suffered, should be avoided.	harm situation should not exceed the amount owed by the trader in accordance with the applicable national or Union Law in order to cover the actual harm suffered by them. In particular, punitive damages, leading to overcompensation in favour of the claimant party of the damage suffered, should be avoided.		
Recital 18				
27	(18) Member States may require qualified entities to provide sufficient information to support a representative action for redress, including a description of the group of consumers concerned by an infringement and the questions of fact and law to be resolved within the representative action. The qualified entity should not be required to individually identify all consumers concerned by an infringement in order to initiate the action. In representative actions for redress the court or administrative authority should verify at the earliest possible stage of the proceedings whether the case is suitable for being brought as a representative action, given	(18) Member States may <u>should</u> require qualified <u>representative</u> entities to provide sufficient information to support a representative action for redress, including a description of the group of consumers concerned by an infringement and the questions of fact and law to be resolved within the representative action. The qualified entity should not be required to individually identify all consumers concerned by an infringement in order to initiate the action. In representative actions for redress the court or administrative authority should verify at the earliest possible stage of the proceedings whether the case is suitable for being brought	(18) Member States may should require qualified entities to provide sufficient information to support a representative action for redress, including a description of the group of consumers concerned affected by an infringement and the questions of fact and law to be resolved within the representative action. The qualified entity should not be required to individually identify all consumers concerned by an infringement the action in order to initiate the action it . In representative actions for redress the court or administrative authority should verify at the earliest possible stage of the proceedings whether the case is suitable for being brought as a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the nature of the infringement and characteristics of the damages suffered by consumers concerned.	as a representative action, given the nature of the infringement and characteristics of the damages suffered by consumers concerned <u><i>In particular, the claims should be ascertainable and uniform and there should be a commonality in the measures sought, third-party funding arrangement of the qualified entity should be transparent and without any conflict of interest. Member States should also ensure that the court or administrative authority has the authority to dismiss manifestly unfounded cases at the earliest possible stage of proceedings.</i></u> AM 12	representative action, given the nature of the infringement and characteristics of the damages suffered by the consumers concerned affected.	
Recital 19				
28	(19) Member States should be allowed to decide whether their court or national authority seized of a representative action for redress may exceptionally issue, instead of a redress order, a declaratory decision regarding the liability of the trader towards the consumers harmed by an infringement which could be	deleted AM 13	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>directly relied upon in subsequent redress actions by individual consumers. This possibility should be reserved to duly justified cases where the quantification of the individual redress to be attributed to each of the consumer concerned by the representative action is complex and it would be inefficient to carry it out within the representative action. Declaratory decisions should not be issued in situations which are not complex and in particular where consumers concerned are identifiable and where the consumers have suffered a comparable harm in relation to a period of time or a purchase. Similarly, declaratory decisions should not be issued where the amount of loss suffered by each of the individual consumers is so small that individual consumers are unlikely to claim for individual redress. The court or the national authority should duly motivate its recourse to a declaratory decision instead of a redress order in a particular case.</p>			
	Recital 19a			
28a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>(19a) The redress measure should identify the individual consumers or at least describe the group of consumers entitled to remedies provided by that measure, and if applicable state the method of quantification and the relevant steps to be taken by consumers and traders for the implementation of the remedies. Consumers entitled to remedies should be able to recover these remedies without having to initiate separate proceedings. For example, a requirement for separate proceedings implies the obligation for the consumer to bring an individual action to a court or an administrative authority for the quantification of harm. Conversely, in order to obtain individual redress, consumers may be required to take certain steps, such as addressing themselves to an entity in charge of the enforcement of the redress measure.</p>	
Recital 19b				
28b			<p>(19b) Member States should lay</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>down or maintain rules on time limits, such as limitation periods or other time limits for exercising their right to redress, for individual consumers to benefit from the redress measures. Member States may lay down rules on the destination of any outstanding redress funds that were not recovered within the established time limits.</p>	
Recital 20				
29	<p>(20) Where consumers concerned by the same practice are identifiable and they suffered comparable harm in relation to a period of time or a purchase, such as in the case of long-term consumer contracts, the court or administrative authority may clearly define the group of consumers concerned by the infringement in the course of the representative action. In particular, the court or administrative authority could ask the infringing trader to provide relevant information, such as the identity of the consumers concerned and the duration of the</p>	<p>deleted</p> <p>AM 14</p>	<p>deleted</p> <p>Moved to recital 15e</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>practice. For expediency and efficiency reasons, in these cases Member States in accordance with their national laws could consider to provide consumers with the possibility to directly benefit from a redress order after it was issued without being required to give their individual mandate before the redress order is issued.</p>			
Recital 21				
30	<p>(21) In low-value cases most consumers are unlikely to take action in order to enforce their rights because the efforts would outweigh the individual benefits. However, if the same practice concerns a number of consumers, the aggregated loss may be significant. In such cases, a court or authority may consider that it is disproportionate to distribute the funds back to the consumers concerned, for example because it is too onerous or impracticable. Therefore the funds received as redress through representative actions would better serve the purposes of the protection of collective interests of consumers and should be directed to a</p>	<p>deleted</p> <p>AM 15</p>	<p>deleted</p>	

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	relevant public purpose, such as a consumer legal aid fund, awareness campaigns or consumer movements.			
Recital 22				
31	(22) Measures aimed at eliminating the continuing effects of the infringement may be sought only on the basis of a final decision, establishing an infringement of Union law covered by the scope of this Directive harming collective interest of consumers, including a final injunction order issued within the representative action. In particular, measures eliminating the continuing effects of the infringement may be sought on the basis of final decisions of a court or administrative authority in the context of enforcement activities regulated by Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004. ¹	(22) Measures aimed at eliminating the continuing effects of the infringement may be sought only on the basis of a final decision, establishing an infringement of Union law covered by the scope of this Directive harming collective interest of consumers, including a final injunction order issued within the representative action. In particular, measures eliminating the continuing effects of the infringement may be sought on the basis of final decisions of a court or administrative authority in the context of enforcement activities regulated by Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004. ¹	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. OJ L 345, 27.12.2017.	1. OJ L 345, 27.12.2017.		
Recital 23				
32	(23) This Directive provides for a procedural mechanism, which does not affect the rules establishing substantive rights of consumers to contractual and non-contractual remedies in case their interests have been harmed by an infringement, such as the right to compensation for damages, contract termination, reimbursement, replacement, repair or price reduction. A representative action seeking redress under this Directive can only be brought where Union or national law provides for such substantive rights.	(23) This Directive provides for a procedural mechanism, which does not affect the rules establishing substantive rights of consumers to contractual and non-contractual remedies in case their interests have been harmed by an infringement, such as the right to compensation for damages, contract termination, reimbursement, replacement, removal , repair or price reduction. A representative action seeking redress under this Directive can only be brought where Union or national law provides for such substantive rights. AM 16	deleted Moved to recital 15a	
Recital 24				
33	(24) This Directive does not replace existing national collective redress mechanisms. Taking into account their legal traditions, it leaves it to the discretion of the	(24) This Directive aims at a minimum harmonisation and does not replace existing national collective redress mechanisms. Taking into account their legal	deleted Moved to recital 4a	

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	Member States whether to design the representative action set out by this Directive as a part of an existing or future collective redress mechanism or as an alternative to these mechanisms, insofar as the national mechanism complies with the modalities set by this Directive.	traditions, it leaves it to the discretion of the Member States whether to design the representative action set out by this Directive as a part of an existing or future collective redress mechanism or as an alternative to these mechanisms, insofar as the national mechanism complies with the modalities set by this Directive. <u><i>It does not prevent Member States from maintaining their existing framework, neither does it oblige Member States to amend it. Member States will have the possibility to implement the rules provided for this Directive into their own system of collective redress or to implement them in a separate procedure.</i></u> AM 17		
Recital 25				
34	(25) Qualified entities should be fully transparent about the source of funding of their activity in general and regarding the funds supporting a specific representative action for redress in order to enable courts or	(25) Qualified <u>representative</u> entities should be fully transparent about the source of funding of their activity in general and regarding the funds supporting a specific representative action for redress in order to enable courts or	deleted	

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	<p>administrative authorities to assess whether there may be a conflict of interest between the third party funder and the qualified entity and to avoid risks of abusive litigation as well as to assess whether the funding third party has sufficient resources in order to meet its financial commitments to the qualified entity. The information provided by the qualified entity to the court or administrative authority overseeing the representative action should enable it to assess whether the third party may influence procedural decisions of the qualified entity in the context of the representative action, including on settlements and whether it provides financing for a representative action for redress against a defendant who is a competitor of the fund provider or against a defendant on whom the fund provider is dependant. If any of these circumstances is confirmed, the court or administrative authority should be empowered to require the qualified entity to refuse the relevant funding and, if necessary, reject standing of the qualified</p>	<p>administrative authorities to assess whether there may be a conflict of interest between the third party funder and the qualified entity and to avoid risks of abusive litigation as well as to assess whether the funding third party <u>qualified entity</u> has sufficient resources in order to <u>represent the best interests of consumers concerned and to support all necessary legal costs should the action fail</u> meet its financial commitments to the qualified entity. The information provided by the qualified entity <u>at the earliest stage of proceedings</u> to the court or administrative authority overseeing the representative action should enable it to assess whether the third party may influence procedural decisions of the qualified entity <u>in general and</u> in the context of the representative action, including on settlements and whether it provides financing for a representative action for redress against a defendant who is a competitor of the fund provider or against a defendant on whom the fund provider is dependant. If any of these circumstances is confirmed, the court or</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	entity in a specific case.	<p>administrative authority should must be empowered to require the qualified entity to refuse the relevant funding and, if necessary, reject standing of the qualified entity in a specific case. <u>Member States should prevent law firms from establishing qualified representative entities. Indirect financing of the action through donations, including traders donations in the framework of a corporate social responsibility initiatives, shall be eligible for third party financing provided that it complies with the requirements on transparency, independence and absence of conflict of interest listed in Article 4 and Article 7.</u></p> <p>AM 18</p>		
Recital 26				
35	(26) Collective out-of-court settlements aimed at providing redress to harmed consumers should be encouraged both before the representative action is brought and at any stage of the representative action.	(26) Collective out-of-court settlements, <u>such as mediation</u> , aimed at providing redress to harmed consumers should be encouraged both before the representative action is brought and at any stage of the representative action.	(26) Collective out-of-court settlements aimed at providing redress to harmed consumers should be encouraged both before the within a representative action is brought and at any stage of the representative action for redress measures .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 19		
Recital 27				
36	<p>(27) Member States may provide that a qualified entity and a trader who have reached a settlement regarding redress for consumers affected by an allegedly illegal practice of that trader can jointly request a court or administrative authority to approve it. Such request should be admitted by the court or administrative authority only if there is no other ongoing representative action regarding the same practice. A competent court or administrative authority approving such collective settlement must take into consideration the interests and rights of all parties concerned, including individual consumers. Individual consumers concerned shall be given the possibility to accept or to refuse to be bound by such a settlement.</p>	<p>(27) Member States may provide that a qualified entity and a trader who have reached a settlement regarding redress for consumers affected by an allegedly illegal practice of that trader can jointly request a court or administrative authority to approve it. Such request should be admitted by the court or administrative authority only if there is no other ongoing representative action regarding the same practice. A competent court or administrative authority approving such collective settlement must take into consideration the interests and rights of all parties concerned, including individual consumers. Individual consumers concerned shall be given the possibility to accept or to refuse to be bound by such a settlement. <u>Settlements should be final and binding upon all parties.</u></p> <p>AM 20</p>	<p>deleted</p>	

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Recital 28				
37	(28) The court and administrative authority should have the power to invite the infringing trader and the qualified entity which brought the representative action to enter into negotiations aimed at reaching a settlement on redress to be provided to consumers concerned. The decision of whether to invite the parties to settle a dispute out-of-court should take into account the type of the infringement to which the action relates, the characteristics of the consumers concerned, the possible type of redress to be offered, the willingness of the parties to settle and the expediency of the procedure.	(28) The court and administrative authority should have the power to invite the infringing trader and the qualified entity which brought the representative action to enter into negotiations aimed at reaching a settlement on redress to be provided to consumers concerned. The decision of whether to invite the parties to settle a dispute out-of-court should take into account the type of the infringement to which the action relates, the characteristics of the consumers concerned, the possible type of redress to be offered, the willingness of the parties to settle and the expediency of the procedure.	(28) The court and administrative authority should have the power be able to invite the infringing trader and the qualified entity which brought the representative action for redress to enter into negotiations aimed at reaching a settlement on redress to be provided to consumers concerned. The decision of whether to invite the parties to settle a dispute out-of-court should take into account the type of the infringement to which the action relates, the characteristics of the consumers concerned, the possible type of redress to be offered, the willingness of the parties to settle and the expediency of the procedure.	
Recital 29				
38	(29) In order to facilitate redress for individual consumers sought on the basis of final declaratory decisions regarding the liability of the trader towards the consumers harmed by an infringement issued within representative actions, the	<div style="border: 1px dashed black; padding: 2px; text-align: center;">deleted</div> AM 21	<div style="border: 1px dashed black; padding: 2px; text-align: center;">deleted</div>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	court or administrative authority that issued the decision should be empowered to request the qualified entity and the trader to reach a collective settlement.			
Recital 30				
39	(30) Any out-of-court settlement reached within the context of a representative action or based on a final declaratory decision should be approved by the relevant court or the administrative authority to ensure its legality and fairness, taking into consideration the interests and rights of all parties concerned. Individual consumers concerned shall be given the possibility to accept or to refuse to be bound by such a settlement.	(30) Any out-of-court settlement reached within the context of a representative action or based on a final declaratory decision should be approved by the relevant court or the administrative authority to ensure its legality and fairness, taking into consideration the interests and rights of all parties concerned. <u>The settlements are binding upon all parties without prejudice to any additional rights to redress that the consumers concerned may have under Union or national law</u> Individual consumers concerned shall be given the possibility to accept or to refuse to be bound by such a settlement. AM 22	(30) Any out of court settlement reached within the context of a representative action or based on a final declaratory decision for redress should be approved by the relevant court or administrative authority unless the conditions of the settlement cannot be enforced or the settlement is contrary to mandatory national law, applicable to the cause of the action, which by way of contract cannot be departed from to the detriment of the administrative authority to ensure its legality and fairness, taking into consideration the interests and rights of all parties concerned. Individual consumers. For example, a settlement which would explicitly leave unchanged a term of contract giving the trader an exclusive right to interpret any other term of that contract could be against	

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			mandatory national law concerned shall be given the possibility to accept or to refuse to be bound by such a settlement.	
Recital 30a				
39a			(30a) Member States should be able to set out rules allowing the court or administrative authority to refuse to approve a settlement also when the court or administrative authority considers the settlement unfair.	
Recital 30b				
39b			(30b) Member States could set out rules according to which the individual consumers concerned are given the possibility to accept or to refuse to be bound by a settlement.	
Recital 31				
40	(31) Ensuring that consumers are informed about a representative action is crucial for its success. Consumers should be informed of ongoing representative action, the	(31) Ensuring that consumers are informed about a representative action is crucial for its success. Consumers should be informed of ongoing representative action, the	(31) Ensuring that consumers are informed about a representative action is crucial for its success. Consumers should be informed of ongoing representative have to be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	fact that a trader's practice has been considered as a breach of law, their rights following the establishment of an infringement and any subsequent steps to be taken by consumers concerned, particularly for obtaining redress. The reputational risks associated with spreading information about the infringement are also important for deterring traders infringing consumer rights.	fact that a trader's practice has been considered as a breach of law, their rights following the establishment of an infringement and any subsequent steps to be taken by consumers concerned, particularly for obtaining redress. The reputational risks associated with spreading information about the infringement are also important for deterring traders infringing consumer rights.	aware of the action, the fact that a trader's practice has been considered as a breach of law, their rights following the establishment of an infringement and any subsequent steps to be taken by consumers concerned, particularly for obtaining redress. The reputational risks associated with spreading information about the infringement are also important for deterring traders infringing consumer rights in order to be able to explicitly or tacitly express their will to be represented in a representative action for redress. Member States should enable that by setting out appropriate rules on dissemination of information of actions to consumers. It should be for Member States to decide who should be responsible for disseminating the information.	
Recital 31a				
40a			(31a) Consumers should equally be informed of final decisions providing for injunction measures, redress measures or approved settlements, their rights following the	

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			<p>establishment of an infringement and any subsequent steps to be taken by consumers concerned, particularly for obtaining redress. The reputational risks associated with spreading information about the infringement are also important for deterring traders infringing consumer rights.</p> <p>Moved from recital 30</p>	
Recital 32				
41	<p>(32) To be effective, the information should be adequate and proportional to the circumstances of the case. The infringing trader should adequately inform all consumers concerned of a final injunction and redress orders issued within the representative action as well as of a settlement approved by a court or administrative authority. Such information may be provided for instance on the trader's website, social media, online market places, or in popular newspapers, including those distributed exclusively by</p>	<p>(32) To be effective, the information should be adequate and proportional to the circumstances of the case. <u>Member States should ensure that the court or the administrative authority may require the defeated party to</u>The infringing trader should adequately inform all consumers concerned of a final <u>decision concerning</u> injunction and redress orders issued within the representative action, <u>and both parties in cases as well as</u> of a settlement approved by a court or administrative authority. Such</p>	<p>(32) To be effective, the information should be adequate and proportional to the circumstances of the case. The infringing trader should adequately inform all consumers concerned of a final injunction and redress orders issued within the representative action as well as of a settlement approved by a court or administrative authority. Such information may be provided for instance on the trader's website, social media, online market places, or in popular newspapers, including those distributed exclusively by</p>	

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	<p>electronic means of communication. If possible, consumers should be informed individually through electronic or paper letters. This information should be provided in accessible formats for persons with disabilities upon request.</p>	<p>information may be provided for instance on the trader's website, social media, online market places, or in popular newspapers, including those distributed exclusively by electronic means of communication. If possible, consumers should be informed individually through electronic or paper letters. This information should be provided in accessible formats for persons with disabilities upon request. <u>The defeated party shall bear the costs of consumer information.</u></p> <p>AM 23</p>	<p>electronic means of communication. If possible and appropriate, consumers should be informed individually through electronic or paper letters. This information should be provided in accessible formats for persons with disabilities upon request.</p>	
Recital 32a				
41a		<p><u>(32a) Member States should be encouraged to set up a national register for representative actions free of charge, which could further enhance the transparency obligations.</u></p> <p>AM 24</p>	<p>(32a) It should be for the infringing trader to inform, at its own expense, all consumers concerned of final injunction and redress measures. The trader should also inform the consumers of a settlement approved by a court or administrative authority. Member States could set out rules according to which such an obligation depends on the request by the qualified entity.</p>	

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			<p>If, according to national law, information of final decisions and approved settlements is provided to the consumers concerned by the action by the court or administrative authority or by the qualified entity, the trader should not need to provide the information a second time.</p> <p>Moved from recital 32</p>	
Recital 33				
42	<p>(33) To enhance legal certainty, avoid inconsistency in the application of Union law and to increase the effectiveness and procedural efficiency of representative actions and of possible follow-on actions for redress, the finding of an infringement established in a final decision, including a final injunction order under this Directive, issued by an administrative authority or a court should not be relitigated in subsequent legal actions related to the same infringement by the same trader as regards the nature of the infringement and its</p>	<p>(33) To enhance legal certainty, avoid inconsistency in the application of Union law and to increase the effectiveness and procedural efficiency of representative actions and of possible follow-on actions for redress, the finding of an infringement <u>or a non-infringement</u> established in a final decision, including a final injunction order under this Directive, issued by an administrative authority or a court should <u>be binding upon all parties, which participated in the representative action. The final decision should be without</u></p>	<p>(33) To enhance legal certainty, avoid inconsistency in the application of Union law and to increase the effectiveness and procedural efficiency of representative actions and of possible follow-on actions for redress, the finding of Member States should ensure that a final decision of a court or an administrative authority of any Member State establishing an infringement established in a final decision, including a final injunction order under this Directive, issued by an administrative authority or a court should not be relitigated in</p>	

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	<p>material, personal, temporal and territorial scope as determined by that final decision. Where an action seeking measures eliminating the continuing effects of the infringement, including for redress, is brought in a Member State other than the Member State where a final decision establishing this infringement was issued, the decision should constitute a rebuttable presumption that the infringement has occurred.</p>	<p><u>prejudice to any additional rights to redress that the consumers concerned may have under Union or national law. The redress obtained through the settlement should also be binding upon cases involving the same practice, the same trader and the same consumer</u> not be re-litigated in subsequent legal actions related to the same infringement by the same trader as regards the nature of the infringement and its material, personal, temporal and territorial scope as determined by that final decision. Where an action seeking measures eliminating the continuing effects of the infringement, including for redress, is brought in a Member State other than the Member State where a final decision establishing this infringement <u>or a non-infringement</u> was issued, the decision should constitute a rebuttable presumption <u>an evidence</u> that the infringement has <u>or has not</u> occurred <u>in related cases. Member States shall ensure that a final decision of a court of one Member State establishing the existence or non-existence of the infringement for</u></p>	<p>subsequent legal actions related to the same infringement by harming collective interests of consumers can be used as evidence of the existence of that infringement for the purposes of any other actions seeking redress before their national courts or administrative authorities against the same trader as regards the nature of the for the same infringement and its material, personal, temporal and territorial scope as determined by that final decision. Where an action seeking measures eliminating the continuing effects. In line with the independence of the infringement, including for redress, is brought in a Member State other than the Member State where a final decision establishing this infringement was issued, the decision judiciary and the free evaluation of evidence, this should constitute a rebuttable presumption that the infringement has occurred be without prejudice to national law on evaluation of evidence.</p>	

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		<p><u><i>the purposes of any other actions seeking redress before their national courts in another Member State against the same trader for the same infringement shall be considered as a rebuttable presumption.</i></u></p> <p>AM 25</p>		
Recital 34				
43	(34) Member States should ensure that individual actions for redress may be based on a final declaratory decision issued within a representative action. Such actions should be available through expedient and simplified procedures.	(34) Member States should ensure that individual actions for redress may be based on a final declaratory decision issued within a representative action. Such actions should be available through expedient and simplified procedures.	deleted	
Recital 35				
44	(35) Actions for redress based on the establishment of an infringement by a final injunction order or by a final declaratory decision regarding the liability of the trader towards the harmed consumers under this Directive should not be hindered by national rules on limitation periods. The	(35) Actions for redress based on the establishment of an infringement by a final injunction order or by a final declaratory decision regarding the liability of the trader towards the harmed consumers under this Directive should not be hindered by national rules on limitation periods. The	(35) Limitation periods are usually suspended when the action is brought. However, actions for injunction measures do not necessarily have this effect in relation to subsequent redress based on the establishment of an infringement by a final measures that may arise	

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	<p>submission of a representative action shall have the effect of suspending or interrupting the limitation periods for any redress actions for the consumers concerned by this action.</p>	<p>submission of a representative action shall have the effect of suspending or interrupting the limitation periods for any redress actions for the consumers concerned by this action.</p> <p>AM 26</p>	<p>from the same infringement. Member States should therefore ensure that a pending representative action for an injunction order or by a final declaratory decision regarding the liability of the trader towards the harmed measure has the effect of suspending or interrupting applicable limitation periods in respect of consumers concerned by the action so that those consumers, individually or represented by a qualified entity, are not prevented from subsequently bringing a redress action concerning the alleged infringement due to the expiry of limitation periods during the representative actions for those injunction measures. When bringing a representative action for injunctions, the qualified entity should sufficiently define the group of consumers under this Directive should not be hindered by national rules on whose interests are affected by the alleged infringement, and who could possibly have a claim arising from that infringement and could be affected by the expiry of limitation periods</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>during the action for injunctions. For the sake of clarity, it should be stated that also a pending The submission of a representative action shall for a redress measure should have the effect of suspending or interrupting the applicable limitation periods for any redress actions for their respect of consumers concerned by this that action.</p>	
Recital 35a				
44a			<p>(35a) In order to ensure legal certainty, suspension or interruption of limitation periods imposed in accordance with this Directive should apply only to redress claims based on infringements that occurred on or after [date of application of this Directive]. This should not preclude the application of national provisions on suspension or interruption of limitation periods which were already applicable prior to [date of application of the Directive] to redress claims based on infringements that occurred before that date.</p>	

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Recital 36				
45	(36) Representative actions for injunction orders should be treated with due procedural expediency. Injunction orders with interim effect should always be treated by way of an accelerated procedure in order to prevent any or further harm caused by the infringement.	(36) Representative actions for injunction orders should be treated with due procedural expediency. Injunction orders with interim effect should always be treated by way of an accelerated procedure in order to prevent any or further harm caused by the infringement.	(36) Representative actions for injunction orders should measures should be treated with due procedural expediency. If an infringement is ongoing, the need for expediency could be accentuated. Actions for injunction orders with interim measures with provisional effect should, as appropriate, always be treated by way of an accelerated-a summary procedure in order to prevent any or further harm caused by the infringement.	
Recital 37				
46	(37) Evidence is an important element for establishing whether a given practice constitutes an infringement of law, whether there is a risk of its repetition, for determining the consumers concerned by an infringement, deciding on redress and adequately informing consumers concerned by a representative action about the ongoing	(37) Evidence is an important element for establishing whether a given practice constitutes an infringement of law, whether there is a risk of its repetition, for determining the consumers concerned by an infringement, deciding on redress and adequately informing consumers concerned by a representative action about the ongoing	(37) Evidence is an important element for establishing whether a given practice constitutes an infringement of law, whether there is a risk of its repetition, for determining the consumers concerned by an infringement, deciding on representative action for injunctions or redress and adequately informing consumers concerned by a representative	

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	<p>proceedings and its final outcomes. However, business-to-consumer relationships are characterised by information asymmetry and the necessary information may be held exclusively by the trader, making it inaccessible to the qualified entity. Qualified entities should therefore be afforded the right to request to the competent court or administrative authority the disclosure by the trader of evidence relevant to their claim or needed for adequately informing consumers concerned about the representative action, without it being necessary for them to specify individual items of evidence. The need, scope and proportionality of such disclosure should be carefully assessed by the court or administrative authority overseeing the representative action having regard to the protection of legitimate interests of third parties and subject to the applicable Union and national rules on confidentiality.</p>	<p>proceedings and its final outcomes. However, business-to-consumer relationships are characterised by information asymmetry and the necessary information may be held exclusively by the trader, making it inaccessible to the qualified entity. Qualified entities should therefore be afforded the right to request to the competent court or administrative authority the disclosure by the trader of evidence relevant to their claim or needed for adequately informing consumers concerned about the representative action, without it being necessary for them to specify individual items of evidence. The need, scope and proportionality of such disclosure should be carefully assessed by the court or administrative authority overseeing the representative action having regard to the protection of legitimate interests of third parties and subject to the applicable Union and national rules on confidentiality.</p>	<p>action about the ongoing proceedings and its final outcomes is well founded. However, business-to-consumer relationships are often characterised by information asymmetry and the necessary information evidence may be held exclusively by the trader, making it inaccessible to the qualified entity. Qualified entities should therefore be afforded have the right to request to the competent court or administrative authority to order the disclosure by the trader of evidence relevant to their claim. On the other hand, taking into account the principle of equality of arms, the trader should have a similar right to request evidence that is in control of the qualified entity or needed for adequately informing consumers concerned about the representative action, without it being necessary for them to specify individual items of evidence. The need, scope and proportionality of such the disclosure of evidence should in accordance with national procedural law be carefully assessed by the court or</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			administrative authority overseeing the representative action having regard to the protection of legitimate interests of third parties and subject to the applicable Union and national rules on confidentiality.	
Recital 38				
47	(38) In order to ensure the effectiveness of the representative actions infringing traders should face effective, dissuasive and proportionate penalties for non-compliance with a final decision issued within the representative action.	(38) In order to ensure the effectiveness of the representative actions infringing traders should face effective, dissuasive and proportionate penalties for non-compliance with a final decision issued within the representative action.	(38) In order to ensure the effectiveness of the representative actions, infringing traders should face effective, dissuasive and proportionate penalties for non-compliance with a final decision issued within the representative action failure or refusal to comply with an injunction measure. Member States should ensure that those penalties could take the form of fines, for example conditional fines, periodical payments or penalty payments. There should also be penalties for failure or refusal to comply with an order to provide information to consumers concerned on final decisions or settlements or to disclose evidence. Also other types of penalties, such as procedural measures, should be able to be	

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			applied to a refusal to comply with an order to disclose evidence.	
Recital 39				
48	(39) Having regard to the fact that representative actions pursue a public interest by protecting the collective interests of consumers, Member States should ensure that qualified entities are not prevented from bringing representative actions under this Directive because of the costs involved with the procedures.	(39) Having regard to the fact that representative actions pursue a public interest by protecting the collective interests of consumers, Member States should ensure that qualified <i>representative</i> entities are not prevented from bringing representative actions under this Directive because of the costs involved with the procedures. <i>However, subject to the relevant conditions under national law, this should be without prejudice to the fact that the party that loses a representative action reimburses necessary legal costs borne by the winning party ('loser pays principle'). However, the court or administrative authority should not award costs to the unsuccessful party to the extent that they were unnecessarily incurred or are disproportionate to the claim.</i> AM 27	(39) Having regard to the fact that representative actions pursue a public interest by protecting the collective interests of consumers, Member States should ensure maintain or aim to find means for the purpose of ensuring that qualified entities are not prevented from bringing representative actions under this Directive because of due to the costs involved with the procedures. These means could include limiting applicable court or administrative fees, granting the qualified entities access to legal aid where necessary or providing them with public funding for bringing representative actions as well as other means of support. However, Member States should not be required to finance representative actions.	

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Recital 39a				
48a		<p><u><i>(39a) Member States should ensure that contingency fees are avoided and lawyers' remuneration and the method by which it is calculated do no create any incentive to litigation that is unnecessary from the point of view of the interest of consumers or any of the parties concerned and could prevent consumers from fully benefiting from the representative action. The Member States that allow for contingency fees should ensure that such fees do not prevent obtaining full compensation by consumers.</i></u></p> <p>AM 28</p>		
Recital 40				
49	<p>(40) Cooperation and exchange of information between qualified entities from different Member States have proven to be useful in addressing cross-border infringements. There is a need for continuing and expanding the capacity-building and cooperation measures to a larger number of</p>	<p>(40) Cooperation and exchange of information, <u><i>good practices and experience</i></u> between qualified <u><i>representative</i></u> entities from different Member States have proven to be useful in addressing cross-border infringements. There is a need for continuing and expanding the capacity-building</p>	<p>(40) Cooperation and exchange of information between qualified entities from different Member States have proven to be useful in addressing in particular cross-border infringements. There is a need for continuing and expanding the capacity-building and cooperation measures to a larger</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	qualified entities across the Union in order to increase the use of representative actions with cross-border implications.	and cooperation measures to a larger number of qualified representative entities across the Union in order to increase the use of representative actions with cross-border implications. AM 29	number of qualified entities across the Union in order to increase the use of representative actions with cross-border implications.	
Recital 40a				
49a			(40a) For the purposes of the evaluation of this Directive, Member States should provide the Commission with data on representative actions brought under this Directive. Member States should provide information on the number and type of representative actions that have been concluded by any of their courts or administrative authorities. Information on the outcomes of representative actions, such as whether or not they have been admissible and whether or not they have been successful or resulted in an approved settlement, should also be provided. In order to ease Member States' administrative burden in fulfilling these obligations, it should, in	

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			<p>particular concerning injunction measures, suffice to provide the Commission with general information on the type of infringements and the parties. As regards parties, for example, it should be enough to inform the Commission on whether the qualified entity has been a public body or a consumer organisation, and on the trader's field of business, for example financial services. Alternatively, Member States could provide the Commission with copies of relevant decisions or settlements. Information on the identities of the consumers concerned by the representative actions should not be provided.</p>	
Recital 41				
50	(41) In order to effectively tackle infringements with cross-border implications the mutual recognition of the legal standing of qualified entities designated in advance in one Member State to seek representative action in another Member State should be ensured. Furthermore, qualified entities from different Member	(41) In order to effectively tackle infringements with cross-border implications the mutual recognition of the legal standing of qualified entities designated in advance in one Member State to seek representative action in another Member State should be ensured. Furthermore, qualified entities from different Member	deleted	

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	States should be able to join forces within a single representative action in front of a single forum, subject to relevant rules on competent jurisdiction. For reasons of efficiency and effectiveness, one qualified entity should be able to bring a representative action in the name of other qualified entities representing consumers from different Member States.	States should be able to join forces within a single representative action in front of a single forum, subject to relevant rules on competent jurisdiction. For reasons of efficiency and effectiveness, one qualified entity should be able to bring a representative action in the name of other qualified entities representing consumers from different Member States.		
Recital 41a				
50a		<u><i>(41a) In order to explore the possibility of having a procedure at Union level for cross-border representative actions, the Commission should assess the possibility of establishing a European Ombudsman for collective redress.</i></u> AM 30		
Recital 42				
51	(42) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of	(42) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of	(42) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of	

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	Fundamental Rights of the European Union. Accordingly, this Directive should be interpreted and applied in accordance with those rights and principles, including those related to the right to an effective remedy and to a fair trial, as well as the right of defence.	Fundamental Rights of the European Union. Accordingly, this Directive should be interpreted and applied in accordance with those rights and principles, including those related to the right to an effective remedy and to a fair trial, as well as the right of defence.	Fundamental Rights of the European Union. Accordingly, this Directive should be interpreted and applied in accordance with those rights and principles, including those related to the right to an effective remedy and to a fair trial, as well as the right of defence.	
Recital 43				
52	(43) With regard to environmental law, this Directive takes account of the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ('the Aarhus Convention').	(43) With regard to environmental law, this Directive takes account of the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ('the Aarhus Convention').	(43) With regard to environmental law, this Directive takes account of the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ('the Aarhus Convention').	
Recital 44				
53	(44) The objectives of this Directive, namely establishing a representative action mechanism for the protection of the collective interests of consumers in order to ensure a high level of consumer protection across the Union and the proper functioning of the internal market, cannot be	(44) The objectives of this Directive, namely establishing a representative action mechanism for the protection of the collective interests of consumers in order to ensure a high level of consumer protection across the Union and the proper functioning of the internal market, cannot be	(44) The objectives of this Directive, namely establishing ensuring that a representative action mechanism for the purpose of both injunction and redress measures is established in all Member States for the protection of the collective interests of consumers	

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	sufficiently achieved by actions taken exclusively by Member States, but can rather, due to cross-border implications of representative actions, be better achieved at Union level. The Union may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	sufficiently achieved by actions taken exclusively by Member States, but can rather, due to cross-border implications of representative actions, be better achieved at Union level. The Union may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	in order to ensure a high level of consumer protection across the Union and the proper functioning of the internal market, cannot be sufficiently achieved by actions taken exclusively by Member States, but can rather, due to cross-border implications of representative actionsinfringements , be better achieved at Union level. The Union may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	
Recital 45				
54	(45) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ¹ , Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more	(45) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ¹ , Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more	(45) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ¹ , Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more	

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	documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. 1. OJ C 369, 17.12.2011, p. 14.	documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. 1. OJ C 369, 17.12.2011, p. 14.	documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. 1. OJ C 369, 17.12.2011, p. 14.	
Recital 46				
55	(46) It is appropriate to provide rules for the temporal application of this Directive.	(46) It is appropriate to provide rules for the temporal application of this Directive.	(46) It is appropriate to provide rules for the temporal application of this Directive.	
Recital 47				
56	(47) Directive 2009/22/EC should therefore be repealed,	(47) Directive 2009/22/EC should therefore be repealed,	(47) Directive 2009/22/EC should therefore be repealed,	
Formula				
57	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
Chapter 1				
58				

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	Chapter 1 Subject matter, scope and definitions	Chapter 1 Subject matter, scope and definitions	Chapter 1 Subject matter, scope and definitions	
Article 1				
59	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	
Article 1(1)				
60	1. This Directive sets out rules enabling qualified entities to seek representative actions aimed at the protection of the collective interests of consumers, while ensuring appropriate safeguards to avoid abusive litigation.	1. This Directive sets out rules enabling qualified <u>representative</u> entities to seek representative actions aimed at the protection of the collective interests of consumers <u>and thereby, in particular, achieve and enforce a high level of protection and access to justice</u> , while <u>at the same time</u> ensuring appropriate safeguards to avoid abusive litigation. AM 31	1. This Directive sets out rules enabling qualified entities to seek ensuring that representative actions aimed at the protection of the collective interests of consumers are available in all Member States , while ensuring providing appropriate safeguards to avoid abusive litigation. The measures adopted for the approximation of laws, regulations and administrative provisions of the Member States have as their objective the better functioning of the internal market taking as a base the achievement of a high level of consumer protection.	
Article 1(2)				

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61	2. This Directive shall not prevent Member States from adopting or maintaining in force provisions designed to grant qualified entities or any other persons concerned other procedural means to bring actions aimed at the protection of the collective interests of consumers at national level.	2. This Directive shall not prevent Member States from adopting or maintaining in force provisions designed to grant qualified <u>representative</u> entities or any other persons concerned <u>public body</u> other procedural means to bring actions aimed at the protection of the collective interests of consumers at national level. <u>The implementation of this Directive shall under no circumstances constitute grounds for the reduction of consumer protection in fields covered by the scope of Union law.</u> AM 32	2. This Directive shall not prevent Member States from adopting or maintaining in force provisions designed to grant qualified entities or any other persons concerned other procedural means to bring actions aimed at the protection of the collective interests of consumers at national level. procedural means for the protection of the collective interests of consumers at national level. However, Member States shall ensure that at least one representative action mechanism complies with this Directive.	
Article 2				
62	Article 2 Scope	Article 2 Scope	Article 2 Scope	
Article 2(1)				
63	1. This Directive shall apply to representative actions brought against infringements by traders of provisions of the Union law listed in Annex I that harm or may harm	1. This Directive shall apply to representative actions brought against infringements <u>with a broad consumer impact</u> by traders of provisions of the Union law	1. This Directive shall apply to representative actions brought against infringements by traders of provisions of the Union law listed in Annex I, also as transposed	

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	the collective interests of consumers. It shall apply to domestic and cross-border infringements, including where those infringements have ceased before the representative action has started or before the representative action has been concluded.	listed in Annex I that harm or may harm protect the collective interests of consumers. It shall apply to domestic and cross-border infringements, including where those infringements have ceased before the representative action has started or before the representative action has been concluded. AM 33	into national law , that harm or may harm the collective interests of consumers. This Directive is without prejudice to the Union law listed in Annex I. It shall apply to domestic and cross-border infringements, including where those infringements have ceased before the representative action has started or before the representative action has been concluded.	
Article 2(2)				
64	2. This Directive shall not affect rules establishing contractual and non-contractual remedies available to consumers for such infringements under Union or national law.	2. This Directive shall not affect rules establishing contractual and non-contractual remedies available to consumers for such infringements under Union or national law.	2. This Directive shall not affect rules establishing contractual and non-contractual remedies available to consumers for such infringements under Union or national law.	
Article 2(3)				
65	3. This Directive is without prejudice to the Union rules on private international law, in particular rules related to court jurisdiction and applicable law.	3. This Directive is without prejudice to the Union rules on private international law, in particular rules related to court jurisdiction, <u>to the recognition and enforcement of judgements in civil and commercial matters and rules on the law applicable</u>	3. This Directive is without prejudice to the Union rules on private international law, in particular rules related to court jurisdiction, recognition and enforcement of judgments , and applicable law.	

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		<p><u>to contractual and non-contractual obligations, which apply to the representative actions set out by this Directive and applicable law.</u></p> <p>AM 34</p>		
Article 2(3a)				
	65a	<p><u>3a. This Directive is without prejudice to other forms of redress mechanisms provided for in national law.</u></p> <p>AM 35</p>		
Article 2(3b)				
	65b	<p><u>3b. This Directive respects the fundamental rights, and observes the principles, recognised by the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights, and in particular the right to a fair and impartial trial and the right to an effective remedy.</u></p> <p>AM 36</p>		
Article 3				

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66	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	
Article 3, first paragraph, introductory part				
67	For the purposes of this Directive, the following definitions shall apply:	For the purposes of this Directive, the following definitions shall apply:	For the purposes of this Directive, the following definitions shall apply:	
Article 3(1), point(1)				
68	(1) ‘consumer’ means any natural person who is acting for purposes which are outside their trade, business, craft or profession;	(1) ‘consumer’ means any natural person who is acting for purposes which are outside their trade, business, craft or profession;	(1) ‘consumer’ means any natural person who is acting for purposes which are outside that person's their trade, business, craft or profession;	
Article 3, first paragraph, point(1a)				
68a		<u><i>(1a) ‘consumer organisation’ means any group that seeks to protect consumers' interests from illegal acts or omissions committed by traders.</i></u> AM 37		
Article 3(1), point(2)				
69				

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	(2) ‘trader’ means any natural person or any legal person, irrespective of whether privately or publicly owned, who is acting, including through any other person acting in their name or on their behalf, for purposes relating to their trade, business, craft or profession;	(2) ‘trader’ means any natural person or any legal person, irrespective of whether privately or publicly owned, who is acting <u>in a civil capacity under the rules of civil law</u> , including through any other person acting in their name or on their behalf, for purposes relating to their trade, business, craft or profession; AM 38	(2) ‘trader’ means any natural person or any legal person, irrespective of whether privately or publicly owned, who is acting, including through any other person acting in that person's their name or on that person's their behalf, for purposes relating to that person's their trade, business, craft or profession;	
Article 3(1), point(3)				
70	(3) ‘collective interests of consumers’ means the interests of a number of consumers;	(3) ‘collective interests of consumers’ means the interests of a number of consumers <u>or of data subjects as defined in Regulation (EU) 2016/679 (General Data Protection Regulation)</u> ; AM 39	(3) ‘collective interests of consumers’ means the general interest of consumers and, in particular for the purpose of redress measures, the interests of a number group of consumers;	
Article 3(1), point(4)				
71	(4) ‘representative action’ means an action for the protection of the collective interests of consumers to which the consumers concerned are not parties;	(4) ‘representative action’ means an action for the protection of the collective interests of consumers to which the consumers concerned are not parties;	(4) ‘representative action’ means an action for the protection of the collective interests of consumers to which the consumers concerned are not parties brought by a qualified entity aiming at an	

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			injunction measure or a redress measure, or both;	
Article 3, first paragraph, point(4a)				
71a			(4a) ‘domestic representative action’ means a representative action brought by a qualified entity in the Member State in which the qualified entity is designated;	
Article 3, first paragraph, point(4b)				
71b			(4b) ‘cross-border representative action’ means a representative action brought by a qualified entity in a Member State other than that in which the qualified entity is designated;	
Article 3(1), point(5)				
72	(5) ‘practice’ means any act or omission by a trader;	(5) ‘practice’ means any act or omission by a trader;	(5) ‘practice’ means any act or omission by a trader;	
Article 3(1), point(6)				
73	(6) ‘final decision’ means a	(6) ‘final decision’ means a	(6) ‘final decision’ means a	

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	decision by a Member State's court that cannot or can no longer be appealed or a decision by an administrative authority that can no longer be subject to judicial review.	decision by a Member State's court that cannot or can no longer be appealed or a decision by an administrative authority that can no longer be subject to judicial review.	decision by a Member State's court that cannot or can no longer be appealed or a decision by an or administrative authority that cannot or can no longer be reviewed by ordinary means of appeal subject to judicial review.	
Article 3, first paragraph, point(6a)				
73a		<u>(6a) "consumer law" means Union and national law adopted to protect consumers.</u> AM 40		
Chapter 2				
74	Chapter 2 Representative actions	Chapter 2 Representative actions	Chapter 2 Representative actions	
Article 4				
75	Article 4 Qualified entities	Article 4 Qualified <u>representative</u> entities AM 41	Article 4 Qualified entities for the purpose of domestic representative actions	
Article 4(1), first subparagraph				
76				

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	1. Member States shall ensure that representative actions can be brought by qualified entities designated, at their request, by the Member States in advance for this purpose and placed in a publicly available list.	1. Member States shall ensure that representative actions can be brought by qualified entities designated, at their request, by the Member States in advance for this purpose and placed in a publicly available list <u>or their courts shall designate within their respective territory at least one qualified representative entity for the purpose of bringing representative actions within the meaning of Article 3(4).</u> AM 42	1. Member States shall ensure that domestic representative actions can be brought by qualified entities designated, at their request, by the Member States in advance for this purpose and placed in a publicly available list.	
Article 4(1), second subparagraph, introductory part				
77	Member States shall designate an entity as qualified entity if it complies with the following criteria:	Member States shall designate an entity as qualified <u>representative</u> entity if it complies with <u>all of</u> the following criteria: AM 42	deleted Moved to Article 4a, paragraph 3	
Article 4(1), second subparagraph, point(a)				
78	(a) it is properly constituted according to the law of a Member State;	(a) it is properly constituted according to the law of a Member State;	deleted Moved to Article 4a, paragraph 3	

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Article 4(1), second subparagraph, point(b)				
79	(b) it has a legitimate interest in ensuring that provisions of Union law covered by this Directive are complied with;	(b) it has a <u>its statutes or another governance document and its continued activity involving the defence and protection of consumers interests demonstrate its</u> legitimate interest in ensuring that provisions of Union law covered by this Directive are complied with; AM 43	deleted Moved to Article 4a, paragraph 3	
Article 4(1), second subparagraph, point(c)				
80	(c) it has a non-profit making character.	(c) it has a non-profit making character.	deleted Moved to Article 4a, paragraph 3	
Article 4(1), second subparagraph, point(ca)				
80a		<u>(ca) it acts in a way that is independent from other entities and from persons other than consumers who might have an economic interest in the outcome of the representative actions, in particular from market operators;</u>		

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		AM 44		
Article 4(1), second subparagraph, point(cb)				
80b		<p><u><i>(cb) it does not have financial agreements with plaintiff law firms beyond a normal service contract;</i></u></p> <p>AM 45</p>		
Article 4(1), second subparagraph, point(cc)				
80c		<p><u><i>(cc) it has established internal procedures to prevent a conflict of interest between itself and its funders;</i></u></p> <p>AM 46</p>		
Article 4(1), second subparagraph, introductory part a				
80d		<p><u><i>Members States shall provide that the qualified representative entities disclose publicly, by appropriate means, such as on its website, in plain and intelligible language, how it is financed, its organisational and management structure, its objective and its working methods as well as its activities.</i></u></p>		

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		AM 47		
Article 4(1), third subparagraph				
81	Member States shall assess on a regular basis whether a qualified entity continues to comply with these criteria. Member States shall ensure that the qualified entity loses its status under this Directive if it no longer complies with one or more of the criteria listed in the first subparagraph.	Member States shall assess on a regular basis whether a qualified representative entity continues to comply with these criteria. Member States shall ensure that the qualified representative entity loses its status under this Directive if it no longer complies with one or more of the criteria listed in the first subparagraph. AM 47	deleted Moved to Article 4a, paragraph 4	
Article 4(1), third subparagraph a				
81a		<u>Member States shall establish a list of representative entities complying with the criteria listed in paragraph 1 and make it publicly available. They shall communicate the list to the Commission updated where necessary.</u> AM 47		
Article 4(1), third subparagraph b				

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81b		<p><u><i>The Commission shall publish the list of representative entities received from the Member States on a publicly accessible online portal.</i></u></p> <p>AM 47</p>		
Article 4(1a)				
81c		<p><u><i>1a. Member States may provide that public bodies already designated before the entry into force of this Directive in accordance with national law shall remain eligible for the status of representative entity within the meaning of this Article.</i></u></p> <p>AM 48</p>		
Article 4(2)				
82	<p>2. Member States may designate a qualified entity on an ad hoc basis for a particular representative action, at its request, if it complies with the criteria referred to in paragraph 1.</p>	<p>deleted</p> <p>AM 49</p>	<p>deleted</p> <p>Moved to paragraph 4b</p>	

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Article 4(3)				
83	3. Member States shall ensure that in particular consumer organisations and independent public bodies are eligible for the status of qualified entity. Member States may designate as qualified entities consumer organisations that represent members from more than one Member State.	3. Member States shall ensure that <u>consumer organisations meeting the criteria listed in paragraph 1 and</u> in particular consumer organisations and independent public bodies are eligible for the status of qualified <u>representative</u> entity. Member States may designate as qualified entities consumer organisations that represent members from more than one Member State. AM 50	3. Member States shall ensure that in particular consumer organisations and independent public bodies are eligible for the status of qualified entity., including those representing consumers from more than one Member States may designate as qualified entities consumer organisations that represent members from more than one Member State, are eligible to apply for the status of qualified entity in accordance with national law.	
Article 4(4)				
84	4. Member States may set out rules specifying which qualified entities may seek all of the measures referred to in Articles 5 and 6, and which qualified entities may seek only one or more of these measures.	deleted AM 51	deleted	
Article 4(4a)				
84a			(4a) Member States may	

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			designate public bodies as qualified entities.	
Article 4(4b)				
84b			(4b) Member States may designate a qualified entity, at its own request, on an ad hoc basis for the purpose of a particular representative action. Moved from paragraph 2	
Article 4(4c)				
84c			(4c) Information on qualified entities designated in advance for the purpose of any representative action shall be made available to the public.	
Article 4(5)				
85	5. The compliance by a qualified entity with the criteria referred to in paragraph 1 is without prejudice to the right of the court or administrative authority to examine whether the purpose of the qualified entity justifies its taking action in a specific case in	5. The compliance by a qualified entity with the criteria referred to in paragraph 1 is without prejudice to the right <u>duty</u> of the court or administrative authority to examine whether the purpose of the qualified entity justifies its taking action in a specific case in	deleted	

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	accordance with Article 5(1).	accordance with Article 4 and Article 5(1) . 5(1) . AM 52		
Article 4a				
85a			Article 4a Designation of qualified entities for the purpose of cross-border representative actions	
Article 4a(1)				
85b			1. Member States shall ensure that entities, in particular consumer organisations, including those representing members from more than one Member State, are eligible to apply for the status of qualified entity for the purpose of cross-border representative actions.	
Article 4a(2)				
85c			2. Member States may designate public bodies as qualified entities for the purpose of cross-border representative actions.	

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Article 4a(3), introductory part				
85d			<p>3. Without prejudice to paragraph 2, Member States shall designate an entity, at its request, as a qualified entity for the purpose of cross-border representative actions if it complies with all of the following criteria:</p> <p>Moved from Article 4, paragraph 1</p>	
Article 4a(3), point(a)				
85e			<p>a it is a legal person properly constituted according to the law of the Member State of designation 18 months prior to the designation request and can demonstrate 12 months of actual public activity in the protection of consumers' interests;</p> <p>Moved from Article 4, paragraph 1</p>	
Article 4a(3), point(b)				
85f			<p>b in accordance with its statutory purpose, it has a</p>	

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			legitimate interest in protecting consumer interests as provided by Union law covered by this Directive; Moved from Article 4, paragraph 1	
Article 4a(3), point(c)				
			c it has a non-profit making character; Moved from Article 4, paragraph 1	
Article 4a(3), point(d)				
			(ca) it possesses knowledge and skills in the field of its activity necessary for the bringing of cross-border representative actions in that field;	
Article 4a(3), point(e)				
			(caa) it is in a sound and stable financial situation;	
Article 4a(3), point(f)				
			(cb) it is not influenced by	

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			persons, other than consumers, who have an economic interest in the bringing of any representative action, in particular by traders, including in case of funding by third parties, and it has procedures to prevent such an influence;	
Article 4a(3), point(g)				
85k			(cc) it discloses publicly by any appropriate means, in particular on its website, information on the above listed criteria and information about the source of funding of its activity in general.	
Article 4a(4)				
85l			3a. Member States may set out rules to limit the right of a qualified entity to bring a representative action to the area of activity of that entity.	
Article 4a(5)				
85m			3b. Member States shall communicate to the Commission	

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			a list of the qualified entities referred to in paragraphs 2 and 3, including the name and purpose of those qualified entities as well as possible limitations referred to in paragraph 3a, no later than on... [one year after the date of transposition] and whenever there are changes to that list. Member States shall make that list publicly available.	
Article 4a(6)				
85n			The Commission shall make a compiled list of these qualified entities publicly available. The list shall be updated annually and whenever changes are communicated to the Commission.	
Article 4a(7)				
85o			4. Member States shall assess at least every five years whether qualified entities continue to comply with the criteria listed in paragraph 3. Member States shall ensure that the qualified entity loses its status if it no	

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			<p>longer complies with one or more of the criteria.</p> <p>Moved from Article 4, paragraph 1</p>	
Article 4a(8)				
85p			<p>5. If a Member State or the Commission raises concerns regarding the compliance by a qualified entity with the criteria laid down in paragraph 3, the Member State that designated that entity shall investigate the concerns and, where appropriate, revoke the designation if one or more of the criteria are not complied with.</p> <p>Moved from Article 16, paragraph 4</p>	
Article 4a(9)				
85q			<p>6. Member States shall designate national contact points for the purpose of paragraph 5 and communicate the name and contact details of those contact points to the Commission. The Commission shall compile a list of designated contact points and make that list</p>	

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			available to the Member States.	
Article 4b				
85r			Article 4b Bringing of cross-border representative actions	
Article 4b(1)				
85s			1. Member States shall ensure that cross-border representative actions can be brought in their courts or administrative authorities by qualified entities designated for the purpose of such representative actions in another Member State.	
Article 4b(2)				
85t			2. Member States shall ensure that where the alleged infringement affects or is likely to affect consumers from different Member States the representative action may be brought to the competent court or administrative authority of a Member State by several qualified entities from different	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>Member States, acting jointly, for the protection of the collective interest of consumers from different Member States.</p> <p>Moved from Article 16, paragraph 2</p>	
Article 4b(3)				
85u			<p>3. The courts or administrative authorities shall accept the list referred to in Article 4a(3b) as proof of the legal capacity of the qualified entity to bring a cross-border representative action, without prejudice to their right to examine whether the statutory purpose of the qualified entity justifies the action in a specific case.</p>	
Article 4b(3)				
85v			<p>Notwithstanding the first subparagraph, Member States may set out rules according to which its courts or administrative authorities have the competence to examine whether the qualified entity bringing a cross-border representative action for redress</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			is funded by a third party having an economic interest in the outcome of the action and if so, reject the legal capacity of the qualified entity for the purpose of that specific cross-border representative action.	
Article 4b(4)				
85w			4. When bringing a cross- border representative action, the qualified entity shall confirm to the court or the administrative authority before which the action is brought that it complies with the criteria listed in Article 4a(3). However, Member States may take measures to ensure that the court or administrative authority has the competence to examine the compliance with the criteria if justified concerns are raised in that regard.	
Article 4b(5)				
85x			5. Member States shall take the necessary measures to address situations where the information referred to in paragraph 4	

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			regarding compliance with the criteria is not correct. Those measures may include a possibility for the court or administrative authority to dismiss the action. Such a dismissal shall not affect the rights of the consumers concerned by the action.	
Article 4b(6)				
85y			6. The courts or administrative authorities before which the action is brought shall assess the admissibility of a specific cross-border representative action in accordance with national law.	
Article 5				
86	Article 5 Representative actions for the protection of the collective interests of consumers	Article 5 Representative actions for the protection of the collective interests of consumers	Article 5 Representative actions for the protection of the collective interests of consumers	
Article 5(1)				
87	1. Member States shall ensure that representative actions can be brought before national courts or	1. Member States shall ensure that representative actions can be brought before national courts or	1. Member States shall ensure that representative actions in accordance with Article 2 can be	

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	administrative authorities by qualified entities provided that there is a direct relationship between the main objectives of the entity and the rights granted under Union law that are claimed to have been violated in respect of which the action is brought.	administrative authorities <u>only</u> by qualified <u>representative</u> entities <u>designated in accordance with Article 4(1) and</u> provided that there is a direct relationship between the main objectives of the entity and the rights granted under Union law that are claimed to have been violated in respect of which the action is brought. AM 53	brought before national courts or administrative authorities by qualified entities provided that there is a direct relationship between the main objectives of the entity and the rights granted under Union law that are claimed to have been violated in respect of which the action is brought.	
Article 5(1a)				
87a		<u>The qualified representative entities are free to choose any procedure available under national or Union law ensuring the higher level of protection of the collective consumer interest.</u> AM 53		
Article 5(1b)				
87b		<u>Member States shall ensure that no other ongoing action has been brought before a court or an administrative authority of a Member State regarding the same practice, the same trader and the</u>		

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		<u>same consumers.</u> AM 53		
Article 5(1b)				
87c			1b When bringing a representative action, the qualified entity shall provide to the court or to the administrative authority sufficient information on the consumers concerned by the action. Moved from Article 6, paragraph 1	
Article 5(2), first subparagraph, introductory part				
88	2. Member States shall ensure that qualified entities are entitled to bring representative actions seeking the following measures:	2. Member States shall ensure that qualified <u>representative</u> entities, <u>including public bodies that have been designated in advance</u> , are entitled to bring representative actions seeking the following measures: AM 54	2. Member States shall ensure that qualified entities are entitled to bring representative actions seeking seek, as appropriate, at least the following measures:	
Article 5(2), first subparagraph, point(a)				
89				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(a) an injunction order as an interim measure for stopping the practice or, if the practice has not yet been carried out but is imminent, prohibiting the practice;	(a) an injunction order as an interim measure for stopping the <u>illegal</u> practice or, if the practice has not yet been carried out but is imminent, prohibiting the <u>illegal</u> practice; AM 56	(a) an injunction order as an interim measure for stopping the practice or, if the practice has not yet been carried out but is imminent, prohibiting the practice measures ;	
Article 5(2), first subparagraph, point(b)				
90	(b) an injunction order establishing that the practice constitutes an infringement of law, and if necessary, stopping the practice or, if the practice has not yet been carried out but is imminent, prohibiting the practice.	(b) an injunction order establishing that the practice constitutes an infringement of law, and if necessary, stopping the practice or, if the practice has not yet been carried out but is imminent, prohibiting the practice.	deleted	
Article 5(2), first subparagraph, point(ba)				
90a			(ba) redress measures.	
Article 5(2), second subparagraph				
91	In order to seek injunction orders, qualified entities shall not have to obtain the mandate of the individual consumers concerned or provide proof of actual loss or damage on the part of the	In order to seek injunction orders, qualified <u>representative</u> entities shall not have to obtain the mandate of the individual consumers concerned or <u>and</u> provide proof of actual loss or	deleted	

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	consumers concerned or of intention or negligence on the part of the trader.	damage on the part of the consumers concerned or of intention or negligence on the part of the trader. AM 55		
Article 5(3)				
92	3. Member States shall ensure that qualified entities are entitled to bring representative actions seeking measures eliminating the continuing effects of the infringement. These measures shall be sought on the basis of any final decision establishing that a practice constitutes an infringement of Union law listed in Annex I harming collective interests of consumers, including a final injunction order referred to in paragraph (2)(b).	3. Member States shall ensure that qualified <i>representative</i> entities are entitled to bring representative actions seeking measures eliminating the continuing effects of the infringement. <i>These measures shall be sought on the basis of any final decision establishing that a practice constitutes an infringement of Union law listed in Annex I harming collective interests of consumers, including a final injunction order referred to in paragraph (2)(b).</i> AM 57	deleted	
Article 5(4)				
93	4. Without prejudice to Article 4(4), Member States shall ensure that qualified entities are able to	deleted AM 58	4. Without prejudice to Article 4(4), Member States shall ensure that may enable qualified entities	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	seek the measures eliminating the continuing effects of the infringement together with measures referred to in paragraph 2 within a single representative action.		are able to seek, as appropriate the the measures eliminating the continuing effects of the infringement together with measures referred to in paragraph 2 within a single representative action. Member States may provide that these measures are issued within a single decision.	
Article 5(4a)				
93a			4a. Member States shall ensure that, within a representative action, consumers' interests are represented by qualified entities and that the entities have the rights and obligations of a party to the proceedings. The consumers concerned by the action shall be entitled to benefit from the measures referred to in paragraph 2. The consumers concerned by the action may bear costs of the proceedings only in exceptional circumstances in accordance with national law. Member States may set out rules allowing for modest entry fees or similar participation charges.	

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Article 5a				
93b		<p><u>Article 5a</u> <u>Registry of collective redress actions</u></p> <p>AM 59</p>		
Article 5a(1)				
93c		<p><u>1. Member States may set up a national register for representative actions, which shall be available free of charge to any interested person through electronic means and/or otherwise.</u></p> <p>AM 59</p>		
Article 5a(2)				
93d		<p><u>2. Websites publishing the registries shall provide access to comprehensive and objective information on the available methods of obtaining compensation, including out of court methods as well as the pending representative actions.</u></p> <p>AM 59</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5a(3)				
93e		<p><u>3. The national registries shall be interlinked. Article 35 of Regulation (EU) 2017/2394 shall apply.</u></p> <p>AM 59</p>		
Article 5a				
93f			<p>Article 5a Injunction measures</p>	
Article 5b(1), introductory part				
93g			<p>1. The injunction measures referred to in Article 5(2)(a) are:</p>	
Article 5b(1), point(a)				
93h			<p>(a) a provisional measure to cease or, where appropriate, to prohibit a practice deemed to constitute an infringement;</p>	
Article 5b(1), point(b)				
93i			<p>(b) a definitive measure to cease</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			or, where appropriate, to prohibit a practice that constitutes an infringement.	
Article 5b(2), introductory part				
93j			1a. A measure referred to in paragraph 1(b) may include, in accordance with national law:	
Article 5b(2), point(a)				
93k			(a) a measure to establish that the practice constitutes an infringement;	
Article 5b(2), point(b)				
93l			(b) an obligation to publish the decision on the measure in full or in part, in such form as deemed adequate, or to publish a corrective statement.	
Article 5b(3)				
93m			2. In order to seek an injunction measure, the qualified entity shall not have to prove the actual loss or damage on the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>part of individual consumers affected by an infringement nor the intention or negligence on the part of the trader. The consumers concerned by a representative action for an injunction measure shall not be required to participate in that representative action.</p>	
Article 5b(4)				
93n			<p>3. Member States may introduce or maintain provisions of national law whereby a qualified entity is only able to seek the injunction measures provided in paragraph 1(b) after it has attempted to achieve the cessation of the infringement in consultation with the trader. If the trader, after receiving the request for consultation, does not cease the infringement within two weeks, the qualified entity may bring a representative action for such an injunction measure without any further delay. Member States shall notify to the Commission the relevant provisions of national law. The</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Commission shall ensure that this information is publicly accessible.	
Article 5b				
93o			Article 5b Redress measures	
Article 5b(1)				
93p			1. A redress measure shall oblige the trader to provide consumers concerned with remedies such as compensation, repair, replacement, price reduction, contract termination or reimbursement of the price paid, as appropriate and as available under Union or national law.	
Article 5b(2)				
93q			2. Member States shall establish rules on how and at which stage the individual consumers concerned by the action may explicitly or tacitly express their will within the appropriate time limits, after that action has been	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			brought, to be or not to be represented by the qualified entity within the representative action for redress measures and to be bound by the outcome of the action.	
Article 5b(3)				
93r			3. Notwithstanding paragraph 2, Member States shall ensure that individual consumers, who are not habitually resident in the Member State of the court or administrative authority before which the representative action has been brought, have to explicitly express their will to be represented in that action in order to be bound by the outcome of the action.	
Article 5b(4)				
93s			3a. Consumers who have explicitly or tacitly expressed their will to be represented in a representative action cannot be represented in other representative actions nor bring an individual action with the same cause of action and against	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the same trader.	
Article 5b(5)				
93t			4. If the redress measure does not specify individual consumers entitled to benefit from remedies provided by the measure, it shall at least describe the group of consumers entitled to benefit from those remedies.	
Article 5b(6)				
93u			5. Member States shall ensure that the redress measure entitles the consumers to seek recovery of the damages without the need to bring a separate action.	
Article 5b(7)				
93v			6. Member States shall lay down or maintain rules on time limits for individual consumers to benefit from the redress measures. Member States may lay down rules on the destination of any outstanding redress funds that were not	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			recovered within the established time limits.	
Article 5b(8)				
93w			7. The remedies provided by redress measures within a representative action shall be without prejudice to any additional remedies available to consumers under Union or national law, which were not subject to that representative action.	
Article 5b(9)				
93x			8. Member States shall ensure that qualified entities are able to bring representative actions for a redress measure without the condition of the prior establishment of an infringement by a court or an administrative authority through separate proceedings.	
Article 6				
94	Article 6 Redress measures	Article 6 Redress measures	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6(1), first subparagraph				
95	1. For the purposes of Article 5(3), Member States shall ensure that qualified entities are entitled to bring representative actions seeking a redress order, which obligates the trader to provide for, inter alia, compensation, repair, replacement, price reduction, contract termination or reimbursement of the price paid, as appropriate. A Member State may require the mandate of the individual consumers concerned before a declaratory decision is made or a redress order is issued.	1. For the purposes of Article 5(3), Member States shall ensure that qualified <u>representative</u> entities are entitled to bring representative actions seeking a redress order, which obligates the trader to provide for, inter alia, compensation, repair, replacement, price reduction, contract termination or reimbursement of the price paid, as appropriate. A Member State may <u>or may not</u> require the mandate of the individual consumers concerned before a declaratory decision is made or a redress order is issued. AM 60	deleted	
Article 6(1), first subparagraph a				
95a		<u><i>If a Member State does not require a mandate of the individual consumer to join the representative action, this Member State shall nevertheless allow those individuals who are not habitually resident in the</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>Member State where the action occurs, to participate in the representative action, in the event they gave their explicit mandate to join the representative action within the applicable time limit.</u></p> <p>AM 61</p>		
Article 6(1), second subparagraph				
96	The qualified entity shall provide sufficient information as required under national law to support the action, including a description of the consumers concerned by the action and the questions of fact and law to be resolved.	The qualified <u>representative</u> entity shall provide <u>all the necessary</u> sufficient information as required under national law to support the action, including a description of the consumers concerned by the action and the questions of fact and law to be resolved.	<p>deleted</p> <p>Moved to Article 5, paragraph 1</p>	
Article 6(2)				
97	2. By derogation to paragraph 1, Member States may empower a court or administrative authority to issue, instead of a redress order, a declaratory decision regarding the liability of the trader towards the consumers harmed by an infringement of Union law listed	<p>deleted</p> <p>AM 63</p>	<p>deleted</p>	

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	in Annex I, in duly justified cases where, due to the characteristics of the individual harm to the consumers concerned the quantification of individual redress is complex.			
Article 6(3), introductory part				
98	3. Paragraph 2 shall not apply in the cases where:	deleted AM 64	deleted	
Article 6(3), point(a)				
99	(a) consumers concerned by the infringement are identifiable and suffered comparable harm caused by the same practice in relation to a period of time or a purchase. In such cases the requirement of the mandate of the individual consumers concerned shall not constitute a condition to initiate the action. The redress shall be directed to the consumers concerned;	deleted AM 64	deleted	
Article 6(3), point(b)				
100				

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	(b) consumers have suffered a small amount of loss and it would be disproportionate to distribute the redress to them. In such cases, Member States shall ensure that the mandate of the individual consumers concerned is not required. The redress shall be directed to a public purpose serving the collective interests of consumers.	deleted AM 64	deleted	
Article 6(4)				
101	4. The redress obtained through a final decision in accordance with paragraphs 1, 2 and 3 shall be without prejudice to any additional rights to redress that the consumers concerned may have under Union or national law.	4. The redress obtained through a final decision in accordance with paragraphs 1, 2 and 3 <u>paragraph 1</u> shall be without prejudice to any additional rights to redress that the consumers concerned may have under Union or national law. <u>The res judicata principle shall be respected in the application of this provision.</u> AM 65	deleted	
Article 6(4a)				
101a		<u>4a. The redress measures aim to grant consumers concerned full compensation for their loss. In</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>case of unclaimed amount left from the compensation, a court shall decide on the beneficiary of the remaining unclaimed amount. This unclaimed amount shall not go to the qualified representative entity nor to the trader.</u></p> <p>AM 66</p>		
Article 6(4b)				
101b		<p><u>4b. In particular, punitive damages, leading to overcompensation in favour of the claimant party of the damage suffered, shall be prohibited. For instance, the compensation awarded to consumers harmed collectively shall not exceed the amount owed by the trader in accordance with the applicable national or Union law in order to cover the actual harm suffered by them individually.</u></p> <p>AM 67</p>		
Article 7				
102	Article 7	Article 7	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Funding	Funding <u>Admissibility of a representative action</u> AM 68		
Article 7(1)				
103	1. The qualified entity seeking a redress order as referred in Article 6(1) shall declare at an early stage of the action the source of the funds used for its activity in general and the funds that it uses to support the action. It shall demonstrate that it has sufficient financial resources to represent the best interests of the consumers concerned and to meet any adverse costs should the action fail.	1. The qualified <u>representative</u> entity seeking a redress order as referred in Article 6(1) shall <u>submit to the court or administrative authority at the earliest</u> declare at an early stage of the action <u>a complete financial overview, listing all sources of the</u> source of the funds used for its activity in general and the funds that it uses to support the action <u>in order to demonstrate the absence of conflict of interest</u> . It shall demonstrate that it has sufficient financial resources to represent the best interests of the consumers concerned and to meet any adverse costs should the action fail. AM 69	deleted	
Article 7(2), introductory part				
104	2. Member States shall ensure	2. Member States shall ensure	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	that in cases where a representative action for redress is funded by a third party, it is prohibited for the third party:	that in cases where a <u>The</u> representative action for redress is funded by a third party, it is prohibited for <u>may be declared inadmissible by the national court if it establishes that the funding by</u> the third party <u>would</u> : AM 70		
Article 7(2), point(a)				
105	(a) to influence decisions of the qualified entity in the context of a representative action, including on settlements;	(a) to influence decisions of the qualified <u>representative</u> entity in the context of a representative action, including <u>the initiation of representative actions and decisions</u> on settlements; AM 71	deleted	
Article 7(2), point(b)				
106	(b) to provide financing for a collective action against a defendant who is a competitor of the fund provider or against a defendant on whom the fund provider is dependant;	(b) to provide financing for a collective action against a defendant who is a competitor of the fund provider or against a defendant on whom the fund provider is dependant;	deleted	
Article 7(3)				

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107	<p>3. Member States shall ensure that courts and administrative authorities are empowered to assess the circumstances referred to in paragraph 2 and accordingly require the qualified entity to refuse the relevant funding and, if necessary, reject the standing of the qualified entity in a specific case.</p>	<p>3. Member States shall ensure that courts and administrative authorities are empowered to assess the circumstances <u>assess the absence of conflict of interest</u> referred to in paragraph 2 and accordingly require the qualified entity to refuse the relevant funding and, if necessary, reject the standing of the qualified entity in a specific case <u>1 and the circumstances referred to in paragraph 2 at the stage of admissibility of the representative action and at a later stage during the court proceedings if the circumstances only yield then.</u></p> <p>AM 72</p>	<p>deleted</p>	
Article 7(3a)				
107a		<p><u>3a. Member States shall ensure that the court or administrative authority have the authority to dismiss manifestly unfounded cases at the earliest possible stage of proceedings.</u></p> <p>AM 73</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7a				
107b		<p><u>Article 7a</u> <u>Loser pays principle</u></p> <p>AM 74</p>		
Article 7a(1)				
107c		<p><u>Member States shall ensure that the party that loses a collective redress action reimburses the legal costs borne by the winning party, subject to the conditions provided for in national law. However, the court or administrative authority shall not award costs to the unsuccessful party to the extent that they were unnecessarily incurred or are disproportionate to the claim.</u></p> <p>AM 74</p>		
Article 8				
108	Article 8 Settlements	Article 8 Settlements	Article 8 Settlements on redress	
Article 8(1)				
109				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>1. Member States may provide that a qualified entity and a trader who have reached a settlement regarding redress for consumers affected by an allegedly illegal practice of that trader can jointly request a court or administrative authority to approve it. Such a request should be admitted by the court or administrative authority only if there is no other ongoing representative action in front of the court or administrative authority of the same Member State regarding the same trader and regarding the same practice.</p>	<p>1. Member States may provide that a qualified <u>representative</u> entity and a trader who have reached a settlement regarding redress for consumers affected by an allegedly illegal practice of that trader can jointly request a court or administrative authority to approve it. <i>Such a request should be admitted by the court or administrative authority only if there is no other ongoing representative action in front of the court or administrative authority of the same Member State regarding the same trader and regarding the same practice.</i></p> <p>AM 75</p>	<p>deleted</p>	
Article 8(2)				
110	<p>2. Member States shall ensure that at any moment within the representative actions, the court or administrative authority may invite the qualified entity and the defendant, after having consulted them, to reach a settlement regarding redress within a reasonable set time-limit.</p>	<p>2. Member States shall ensure that at any moment within the representative actions, the court or administrative authority may invite the qualified entity and the defendant, after having consulted them, to reach a settlement regarding redress within a reasonable set time-limit.</p>	<p>2. Member States shall ensure that at any moment within the representative actions, the court or administrative authority may invite the qualified entity and the defendantIn view of an approval of a settlement, Member States shall ensure that within a representative action forafter having consulted them, to reach a settlement regarding redress</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			within a reasonable set time-limit measures:	
Article 8(2a)				
110a			(a) the qualified entity and the trader may jointly propose to the court or administrative authority a settlement regarding redress for consumers; or	
Article 8(2b)				
110b			(b) the court or administrative authority may invite the qualified entity and the trader, after having consulted them, to reach a settlement regarding redress within a reasonable set time-limit. Moved from paragraph 2	
Article 8(3)				
111	3. Member States shall ensure that the court or administrative authority that issued the final declaratory decision referred to in Article 6(2) is empowered to request the parties to the	3. Member States shall ensure that the court or administrative authority that issued the final declaratory decision referred to in Article 6(2) is empowered to request the parties to the	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	representative action to reach within a reasonable set time limit a settlement regarding the redress to be provided to consumers on the basis of this final decision.	representative action to reach within a reasonable set time limit a settlement regarding the redress to be provided to consumers on the basis of this final decision.		
Article 8(4)				
112	4. The settlements referred to in paragraphs 1, 2 and 3 shall be subject to the scrutiny of the court or administrative authority. The court or administrative authority shall assess the legality and fairness of the settlement, taking into consideration the rights and interests of all parties, including the consumers concerned.	4. The settlements referred to in paragraphs 1, 2 and 3 shall be subject to the scrutiny of the court or administrative authority. The court or administrative authority shall assess the legality and fairness of the settlement, taking into consideration the rights and interests of all parties, including the consumers concerned.	4. The settlements referred to in paragraphs 1, 2 and 3 paragraph 2 shall be subject to the scrutiny of the court or administrative authority. The court or administrative authority shall assess the legality and fairness of the whether it must refuse to approve a settlement that is contrary to mandatory national law, or includes conditions which cannot be enforced , taking into consideration the rights and interests of all parties, including and in particular those of the consumers concerned. Member States may set out rules allowing the court or administrative authority to refuse approval of a settlement on the basis of a settlement being unfair.	
Article 8(5)				

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113	5. If the settlement referred to in paragraph 2 is not reached within the set time-limits or the settlement reached is not approved, the court or administrative authority shall continue the representative action.	5. If the settlement referred to in paragraph 2 is not reached within the set time-limits or the settlement reached is not approved, the court or administrative authority shall continue the representative action.	5. If the settlement referred to in paragraph 2 is not reached within the set time-limits or the settlement reached is not approved, the court or administrative authority shall continue to hear the representative action.	
Article 8(6)				
114	6. Individual consumers concerned shall be given the possibility to accept or to refuse to be bound by settlements referred to in paragraphs 1, 2 and 3. The redress obtained through an approved settlement in accordance with paragraph 4 shall be without prejudice to any additional rights to redress that the consumers concerned may have under Union or national law.	6. <i>Individual consumers concerned shall be given the possibility to accept or to refuse to be bound by settlements referred to in paragraphs 1, 2 and 3.</i> The redress obtained through an approved settlement in accordance with paragraph 4 shall be binding upon all parties without prejudice to any additional rights to redress that the consumers concerned may have under Union or national law. AM 76	6. Member States may set out rules according to which individual consumers concerned shall be by the action and by the subsequent settlement are given the possibility to accept or to refuse to be bound by settlements referred to in paragraphs 1, 2 and 3. The redress paragraph 2. The remedies obtained through an approved settlement in accordance with paragraph 4 shall be without prejudice to any additional rights to redress that the consumers concerned may have under Union or national law remedies available under Union or national law which were not subject to that settlement.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 9				
115	Article 9 Information on representative actions	Article 9 Information on representative actions	Article 9 Information on representative actions	
Article 9(-1)				
115a		<u><i>-1. Member States shall ensure that the representative entities:</i></u> AM 77	0. Member States shall set out rules in order to ensure that the consumers concerned by a representative action for a redress measure have a possibility to become informed about the action in a timely manner and by appropriate means in order to enable consumers to exercise their rights as referred to in Article 5b(2).	
Article 9(-1), point(a)				
115b		<u><i>(a) inform consumers about the claimed violation of rights granted under Union law and the intention to seek an injunction or to pursue an action for damages,</i></u> AM 77		
Article 9(-1), point(b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
115c		<p><u>(b) explain to consumers concerned already beforehand the possibility of joining the action in order to ensure that the relevant documents and other information necessary for the action are kept.</u></p> <p>AM 77</p>		
Article 9(-1), point(c)				
115d		<p><u>(c) where relevant, inform about subsequent steps and the potential legal consequences.</u></p> <p>AM 77</p>		
Article 9(1)				
116	<p>1. Member States shall ensure that the court or administrative authority shall require the infringing trader to inform affected consumers at its expense about the final decisions providing for measures referred to in Articles 5 and 6, and the approved settlements referred to in Article 8, by means appropriate to the circumstance of the case and</p>	<p>1. <u>Where a settlement or final decision benefits consumers who may be unaware of it,</u> Member States shall ensure that the court or administrative authority shall require the <u>defeated party or both parties</u> infringing trader to inform affected consumers at its expense about the final decisions providing for measures referred to in Articles 5 and 6, and the approved</p>	<p>1. Member States shall ensure that the court or administrative authority shall require the infringing trader to inform affected consumers consumers concerned by the action, at its expense, about the final decisions providing for measures referred to in Articles 5 and 6 Article 5, and the approved settlements referred to in Article 8, by means</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	within specified time limits, including, where appropriate, through notifying all consumers concerned individually.	settlements referred to in Article 8, by means appropriate to the circumstance of the case and within specified time limits, including, where appropriate, <u>Members States may provide that the information obligation can be complied with through a publicly available and easily accessible website</u> notifying all consumers concerned individually. AM 78	appropriate to the circumstances circumstances of the case and within specified time limits, including, where appropriate, through notifying all consumers concerned individually. This does not apply if the consumers concerned are informed of the final decision or approved settlement in another manner. Member States may set out rules according to which such an obligation depends on the request of the qualified entity.	
Article 9(1a)				
116a		<u>1a. The defeated party shall bear the costs of consumer information in accordance with the principle laid down in Article 7.</u> AM 79	1a If the qualified entities are required to inform consumers concerned about an action, the related necessary costs may be recovered from the trader if the action is successful.	
Article 9(1b)				
116b			The first subparagraph shall apply mutatis mutandis to final decisions.	

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Article 9(2)				
117	2. The information referred to in paragraph 1 shall include in intelligible language an explanation of the subject-matter of the representative action, its legal consequences and, if relevant, the subsequent steps to be taken by the consumers concerned.	2. The information referred to in paragraph 1 shall include in intelligible language an explanation of the subject-matter of the representative action, its legal consequences and, if relevant, the subsequent steps to be taken by the consumers concerned. <u>The modalities and timeframe of the information shall be designed in agreement with the court or administrative authority.</u> AM 80	2. The information referred to in paragraph paragraphs 0 and 1 shall include in intelligible language an explanation of the subject-matter of the representative action, its legal consequences and, if relevant, the subsequent steps to be taken by the consumers concerned.	
Article 9(2a)				
117a		<u>2a. Member States shall ensure that information is made available to the public in an accessible way, on upcoming, ongoing and closed collective actions, including via media and online through a public website when a court has decided that the case is admissible.</u> AM 81		
Article 9(2b)				

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117b		<p><u>2b. Member States shall ensure that public communications by qualified entities about claims are factual and take into account both the right for consumers to receive information and defendants' reputational rights and rights to business secrecy.</u></p> <p>AM 82</p>		
Article 10				
118	Article 10 Effects of final decisions	Article 10 Effects of final decisions	Article 10 Effects of final decisions	
Article 10(1)				
119	1. Member States shall ensure that an infringement harming collective interests of consumers established in a final decision of an administrative authority or a court, including a final injunction order referred to in Article 5(2)(b), is deemed as irrefutably establishing the existence of that infringement for the purposes of any other actions seeking redress before their national courts against the same trader for the same	1. Member States shall ensure that an infringement harming collective interests of consumers established in a final decision of an administrative authority or a court, including a final injunction order referred to in Article 5(2)(b), is deemed as irrefutably <u>considered as evidence</u> establishing the existence <u>or non-existence</u> of that infringement for the purposes of any other actions seeking redress before their	1. Member States shall ensure that an infringement harming collective interests of consumers established in a final decision of a final decision of a court or an administrative authority or a court, including a final injunction order referred to in Article 5(2)(b), is deemed as irrefutably establishing of any Member State establishing an infringement harming collective interests of consumers can be used as	

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	infringement.	national courts against the same trader for the same infringement <u>facts providing that the same damage cannot be compensated twice to the same consumers concerned.</u> AM 83	evidence of the existence of that infringement for the purposes of any other actions seeking redress before their national courts or administrative authorities against the same trader for the same infringement, in accordance with national law on evaluation of evidence.	
Article 10(2)				
120	2. Member States shall ensure that a final decision referred to in paragraph 1, taken in another Member State is considered by their national courts or administrative authorities as a rebuttable presumption that an infringement has occurred.	2. Member States shall ensure that a final decision referred to in paragraph 1, taken in another Member State is considered by their national courts or administrative authorities as a rebuttable presumption <u>at least as evidence</u> that an infringement has occurred. AM 84	deleted	
Article 10(2a)				
120a		<u>2a. Member States shall ensure that a final decision of a court of one Member State establishing the existence or non-existence of the infringement for the purposes of any other actions seeking</u>		

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		<p><u>redress before their national courts in another Member State against the same trader for the same infringement is considered a rebuttable presumption.</u></p> <p>AM 85</p>		
Article 10(3)				
121	<p>3. Member States shall ensure that a final declaratory decision referred to in Article 6(2) is deemed as irrefutably establishing the liability of the trader towards the harmed consumers by an infringement for the purposes of any actions seeking redress before their national courts against the same trader for that infringement. Member States shall ensure that such actions for redress brought individually by consumers are available through expedient and simplified procedures.</p>	<p>3. Member States shall ensure that a final declaratory decision referred to in Article 6(2) is deemed as irrefutably establishing the liability of the trader towards the harmed consumers by an infringement for the purposes of any <u>are encouraged to create a database containing all final decisions on redress</u> actions seeking redress before their national courts against the same trader for that infringement. Member States shall ensure that such actions for <u>that could facilitate other</u> redress brought individually by consumers are available through expedient and simplified procedures <u>measures, and to share their best practices in this field.</u></p> <p>AM 86</p>	<p>deleted</p>	

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Article 11				
122	Article 11 Suspension of limitation period	Article 11 Suspension of limitation period	Article 11 Suspension of Limitation period periods	
Article 11, first paragraph				
123	Member States shall ensure that the submission of a representative action as referred to in Articles 5 and 6 shall have the effect of suspending or interrupting limitation periods applicable to any redress actions for the consumers concerned, if the relevant rights are subject to a limitation period under Union or national law.	<u><i>In accordance with national law,</i></u> Member States shall ensure that the submission of a representative action as referred to in Articles 5 and 6 shall have the effect of suspending or interrupting limitation periods applicable to any redress actions for the consumers <u>individuals</u> concerned, if the relevant rights are subject to a limitation period under Union or national law. AM 87	Member States shall ensure that a pending representative action for an injunction measure the submission of a representative action as referred to in Articles 5 and 6 shall have Article 5a has the effect of suspending or interrupting applicable limitation periods applicable to any redress in respect of consumers concerned by the action so that those consumers are not prevented from subsequently bringing a redress action concerning the alleged infringement due to the expiry of limitation periods during the representative actions for the consumers concerned, if the relevant rights are subject to those injunction measures. Member States shall also ensure that a pending representative action for a redress measure as	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			referred to in Article 5b(1) has the effect of suspending or interrupting applicable limitation period under Union or national law periods in respect of consumers concerned by that action.	
Article 12				
124	Article 12 Procedural expediency	Article 12 Procedural expediency	Article 12 Procedural expediency	
Article 12(1)				
125	1. Member States shall take the necessary measures to ensure representative actions referred to in Articles 5 and 6 are treated with due expediency.	1. Member States shall take the necessary measures to ensure representative actions referred to in Articles 5 and 6 are treated with due expediency.	1. Member States shall take the necessary measures to ensure that representative actions referred to in Articles 5 and 6 for injunction measures referred to in Article 5a are treated with due expediency.	
Article 12(2)				
126	2. Representative actions for an injunction order in the form of an interim measure referred to in Article 5(2)(a) shall be treated by way of an accelerated procedure.	2. Representative actions for an injunction order in the form of an interim measure referred to in Article 5(2)(a) shall be treated by way of an accelerated procedure.	2. Representative actions for an injunction order in the form of an interim measure provisional measures to cease or, where appropriate, to prohibit a practice deemed to constitute an	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			infringement referred to in Article 5(2)(a) 5a(1)(a) shall, if appropriate , be treated by way of an accelerated a summary procedure.	
Article 13				
127	Article 13 Evidence	Article 13 Evidence	Article 13 Disclosure of evidence	
Article 13, first paragraph				
128	Member States shall ensure that, at the request of a qualified entity that has presented reasonably available facts and evidence sufficient to support the representative action, and has indicated further evidence which lies in the control of the defendant, the court or administrative authority may order, in accordance with national procedural rules, that such evidence be presented by the defendant, subject to the applicable Union and national rules on confidentiality.	Member States shall ensure that, at the request of <u>one of the parties</u> a qualified entity that has presented reasonably available facts and <u>sufficient</u> evidence sufficient to support the representative action <u>and a substantive explanation to support its views</u> , and has indicated further <u>specific and clear defined</u> evidence which lies in the control of the <u>other party</u> defendant , the court or administrative authority may order, in accordance with national procedural rules, that such evidence be presented by <u>this party, as narrowly as possible on the basis of reasonably available</u>	Member States shall ensure that, at the request of a qualified entity that has presented reasonably available facts and evidence sufficient to support the representative action, and has indicated further evidence which lies in the control of the defendant or a third party , the court or administrative authority may order, in accordance with national procedural rules, that such evidence be presented by the defendant or the third party , subject to the applicable Union and national rules on confidentiality and proportionality. Member States shall ensure that a court or an	

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		<p>facts the defendant, subject to the applicable Union and national rules on confidentiality. <u>The order must be adequate and proportionate in the respective case and must not create an imbalance between the two parties involved.</u></p> <p>AM 88</p>	<p>administrative authority is able, upon request of the defendant, to equally order the claimant or a third party to disclose relevant evidence, in accordance with national procedural rules.</p>	
Article 13, first paragraph a				
128a		<p><u>Member States shall ensure that the courts limit the disclosure of evidence to what is proportionate. To determine whether any disclosure requested by a representative entity is proportionate, the court shall consider the legitimate interest of all parties concerned, namely to which extent the request for disclosure of evidence is supported by available facts and evidence and whether the evidence the disclosure of which is requested contains confidential information.</u></p> <p>AM 89</p>		
Article 13, first paragraph b				

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128b		<p><u><i>Member States shall ensure that national courts have the power to order the disclosure of evidence containing information where they consider it relevant to the action for damages.</i></u></p> <p>AM 90</p>		
Article 14				
129	Article 14 Penalties	Article 14 Penalties	Article 14 Penalties	
Article 14(1)				
130	<p>1. Member States shall lay down the rules on penalties applicable to non-compliance with the final decisions issued within the representative action and shall take all necessary measures to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.</p>	<p>1. Member States shall lay down the rules on penalties applicable to non-compliance with the final decisions issued within the representative action and shall take all necessary measures to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.</p>	<p>1. Member States shall lay down rules ensuring that penalties may be imposed for failure or refusal to comply with an injunction measure referred to in Article 5a(1) or in point (b) of Article 5a(1a) or obligations referred to in Articles 9(1) and 13. Member States the rules on penalties applicable to non-compliance with the final decisions issued within the representative action and shall take all necessary measures to ensure that those rules they are</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			implemented. The penalties provided for must be effective, proportionate and dissuasive.	
Article 14(2)				
131	2. Member States shall ensure that penalties may take the form of fines.	2. Member States shall ensure that penalties may take, <i>inter alia</i> , the form of fines. AM 91	2. Member States shall ensure that penalties may take the form of fines.	
Article 14(3)				
132	3. When deciding about the allocation of revenues from fines Member States shall take into account the collective interests of consumers.	3. When deciding about the allocation of revenues from fines Member States shall take into account the collective interests <u>Member States may decide for such revenues to be allocated to a fund created for the purpose of financing representative actions of consumers.</u> AM 92	deleted	
Article 14(4)				
133	4. Member States shall notify provisions referred to in paragraph 1 to the Commission by [date for	4. Member States shall notify provisions referred to in paragraph 1 to the Commission by [date for	deleted	

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	transposition of the Directive] at the latest and shall notify it without delay of any subsequent amendment affecting them.	transposition of the Directive] at the latest and shall notify it without delay of any subsequent amendment affecting them.		
Article 15				
134	Article 15 Assistance for qualified entities	Article 15 Assistance for qualified <u>representative</u> entities AM 93	Article 15 Assistance for qualified entities	
Article 15(1)				
135	1. Member States shall take the necessary measures to ensure that procedural costs related to representative actions do not constitute financial obstacles for qualified entities to effectively exercise the right to seek the measures referred to in Articles 5 and 6, such as limiting applicable court or administrative fees, granting them access to legal aid where necessary, or by providing them with public funding for this purpose.	1. Member States shall <u>be encouraged, in line with Article 7, to ensure that qualified representative entities have sufficient funds available for representative actions. They shall take the necessary measures to facilitate access to justice and shall</u> ensure that procedural costs related to representative actions do not constitute financial obstacles for qualified entities to effectively exercise the right to seek the measures referred to in Articles 5 and 6, such as limiting applicable court or administrative fees; <u>or</u> granting them access to legal aid	1. Member States shall take the necessary measures measures aiming to ensure that procedural costs related to representative actions do not constitute financial become insurmountable obstacles for preventing qualified entities to from effectively exercise the exercising their right to seek the measures referred to in Articles 5 and 6, such as limiting applicable court or administrative fees, Article 5 .	

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		<p>where necessary, or by providing them with public funding for this purpose.</p> <p>AM 94</p>		
Article 15(1a)				
135a		<p><u><i>1a. Member States shall provide structural support to entities acting as qualified entities within the scope of this Directive.</i></u></p> <p>AM 95</p>		
Article 15(2)				
136	<p>2. Member States shall take the necessary measures to ensure that in cases where the qualified entities are required to inform consumers concerned about the ongoing representative action the related cost may be recovered from the trader if the action is successful.</p>	<p>2. Member States shall take the necessary measures to ensure that in cases where the qualified entities are required to inform consumers concerned about the ongoing representative action the related cost may be recovered from the trader if the action is successful.</p>	<p>deleted</p>	
Article 15(3)				
137	<p>3. Member States and the Commission shall support and</p>	<p>3. Member States and the Commission shall support and</p>	<p>3. Member States and The Commission shall support and</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	facilitate the cooperation of qualified entities and the exchange and dissemination of their best practices and experiences as regards the resolution of cross-border and domestic infringements.	facilitate the cooperation of qualified entities and the exchange and dissemination of their best practices and experiences as regards the resolution of cross-border and domestic infringements.	facilitate the cooperation of qualified entities and the exchange and dissemination of their information about best practices and experiences as regards the resolution of cross-border and domestic infringements.	
Article 15a				
137a		<p style="text-align: center;"><u>Article 15a</u> <u>Legal representation and fees</u></p> <p>AM 96</p>		
Article 15a(1)				
137b		<p><u>Member States shall ensure that the lawyers' remuneration and the method by which it is calculated do not create any incentive to litigation, unnecessary from the point of view of the interest of any of the parties. In particular, Member States shall prohibit contingency fees.</u></p> <p>AM 96</p>		
Article 16				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
138	Article 16 Cross-border representative actions	Article 16 Cross-border representative actions	deleted	
Article 16(1)				
139	1. Member States shall take the measures necessary to ensure that any qualified entity designated in advance in one Member State in accordance with Article 4(1) may apply to the courts or administrative authorities of another Member State upon the presentation of the publicly available list referred to in that Article. The courts or administrative authorities shall accept this list as proof of the legal standing of the qualified entity without prejudice to their right to examine whether the purpose of the qualified entity justifies its taking action in a specific case.	1. Member States shall take the measures necessary to ensure that any qualified <u>representative</u> entity designated in advance in one Member State in accordance with Article 4(1) may apply to the courts or administrative authorities of another Member State upon the presentation of the publicly available list referred to in that Article. The courts or administrative authorities shall accept this list as proof of <u>may review</u> the legal standing of the qualified <u>representative</u> entity without prejudice to their right to examine whether the purpose of the qualified <u>representative</u> entity justifies its taking action in a specific case. AM 97	deleted	
Article 16(2)				
140				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. Member States shall ensure that where the infringement affects or is likely to affect consumers from different Member States the representative action may be brought to the competent court or administrative authority of a Member State by several qualified entities from different Member States, acting jointly or represented by a single qualified entity, for the protection of the collective interest of consumers from different Member States.	2. Member States shall ensure that where the infringement affects or is likely to affect consumers from different Member States the representative action may be brought to the competent court or administrative authority of a Member State by several qualified entities from different Member States, acting jointly or represented by a single qualified entity, for the protection of the collective interest of consumers from different Member States.	deleted Moved to Article 4b, paragraph 2	
Article 16(2a)				
140a		<u><i>2a. Member State where a collective redress takes place may require a mandate from the consumers who are resident in this Member State and shall require a mandate from individual consumers based in another Member State when the action is cross-border. In such circumstances, a consolidated list of all consumers from other Member States who have given such a mandate will be provided to the court or administrative authority and the defendant at the beginning of an action.</i></u>		

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		AM 98		
Article 16(3)				
141	3. For the purposes of cross-border representative actions, and without prejudice to the rights granted to other entities under national legislation, the Member States shall communicate to the Commission the list of qualified entities designated in advance. Member States shall inform the Commission of the name and purpose of these qualified entities. The Commission shall make this information publicly available and keep it up to date.	3. For the purposes of cross-border representative actions, and without prejudice to the rights granted to other entities under national legislation, the Member States shall communicate to the Commission the list of qualified entities designated in advance. Member States shall inform the Commission of the name and purpose of these qualified entities. The Commission shall make this information publicly available and keep it up to date.	deleted	
Article 16(4)				
142	4. If a Member State or the Commission raises concerns regarding the compliance by a qualified entity with the criteria laid down in Article 4(1), the Member State that designated that entity shall investigate the concerns and, where appropriate, revoke the designation if one or more of the criteria are not	4. If a Member State, <u>the Commission</u> or the Commission trader raises concerns regarding the compliance by a qualified <u>representative</u> entity with the criteria laid down in Article 4(1), the Member State that designated that entity shall investigate the concerns and, where appropriate, revoke the	deleted Moved to Article 4a, paragraph 5	

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	complied with.	designation if one or more of the criteria are not complied with. AM 99		
Article 16a				
142a		<u>Article 16a</u> <u>Public Register</u> AM 100		
Article 16a(1)				
142b		<u>Member States shall ensure that the relevant national competent authorities set up a publicly accessible register of unlawful acts that have been subject to injunction orders in accordance with the provisions of this Directive.</u> AM 100		
Chapter 3				
143	Chapter 3 Final provisions	Chapter 3 Final provisions	Chapter 3 Final provisions	
Article 17				

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144	Article 17 Repeal	Article 17 Repeal	Article 17 Repeal	
Article 17, first paragraph				
145	Directive 2009/22/EU is repealed as of [date of application of this Directive] without prejudice to Article 20(2).	Directive 2009/22/EU is repealed as of [date of application of this Directive] without prejudice to Article 20(2).	Directive 2009/22/EU is repealed as of [date of application of this Directive] without prejudice to Article 20(2).	
Article 17, second paragraph				
146	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex II.	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex II.	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex II.	
Article 18				
147	Article 18 Monitoring and evaluation	Article 18 Monitoring and evaluation	Article 18 Monitoring and evaluation	
Article 18(1)				
148	1. No sooner than 5 years after the date of application of this Directive, the Commission shall	1. No sooner than 5 years after the date of application of this Directive, the Commission shall	1. No sooner than 5 years after the date of application of this Directive, the Commission shall	

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	carry out an evaluation of this Directive and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall be conducted according to the Commission's better regulation guidelines. In the report, the Commission shall in particular assess the scope of application of this Directive defined in Article 2 and Annex I.	carry out an evaluation of this Directive and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall be conducted according to the Commission's better regulation guidelines. In the report, the Commission shall in particular assess the scope of application of this Directive defined in Article 2 and Annex I.	carry out an evaluation of this Directive and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall be conducted according to the Commission's better regulation guidelines. In the report, the Commission shall in particular assess the scope of application of this Directive defined in Article 2 and Annex I and the functioning and effectiveness of this Directive in cross-border situations, including in terms of legal certainty.	
Article 18(2)				
149	2. No later than one year after the entry into force of this Directive, the Commission shall assess whether the rules on air and rail passenger rights offer a level of protection of the rights of consumers comparable to that provided for under this Directive. Where that is the case, the Commission intends to make appropriate proposals, which may consist in particular in removing the acts referred to in points 10	deleted AM 101	2. No later than one year after the entry into force of this Directive, the Commission shall assess whether the rules on air and rail passenger rights offer a level of protection of the rights of consumers comparable to that provided for under this Directive. Where that is the case, the Commission intends to make appropriate proposals, which may consist in particular in removing the acts referred to in points 10	

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	and 15 of Annex I from the scope of application of this Directive as defined in Article 2.		and 15 of Annex I from the scope of application of this Directive as defined in Article 2.	
Article 18(3), introductory part				
150	3. Member States shall provide the Commission on annual basis, for the first time at the latest 4 years after the date of application of this Directive, with the following information necessary for the preparation of the report referred to in paragraph 1:	3. Member States shall provide the Commission on annual basis, for the first time at the latest 4 years after the date of application of this Directive, with the following information necessary for the preparation of the report referred to in paragraph 1:	3. Member States shall provide the Commission on annual basis, for the first time at the latest 4 years after the date of application of this Directive, with the following information necessary for the preparation of the report referred to in paragraph 1:	
Article 18(3), point(a)				
151	(a) the number of representative actions brought pursuant to this Directive before administrative and judicial authorities;	(a) the number of representative actions brought pursuant to this Directive before administrative and judicial authorities;	(a) the number and type of representative actions that have been concluded by any of their courts or administrative brought pursuant to this Directive before administrative and judicial authorities;	
Article 18(3), point(b)				
152	(b) the type of qualified entity bringing the actions;	(b) the type of qualified entity bringing the actions;	deleted	
Article 18(3), point(c)				

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153	(c) the type of the infringement tackled within the representative actions, the parties to the representative actions and the economic sector concerned by the representative actions;	(c) the type of the infringement tackled within the representative actions, the parties to the representative actions and the economic sector concerned by the representative actions;	(c) the type of the infringement tackled within the representative actions, the infringements and parties to the representative actions and the economic sector concerned by the representative actions;	
Article 18(3), point(d)				
154	(d) the length of the proceedings from initiating an action until the adoption of a final injunctions orders referred to in Article 5, redress orders or declaratory decisions referred to in Article 6 or final approval of the settlement referred to in Article 8;	(d) the length of the proceedings from initiating an action until the adoption of a final injunctions orders referred to in Article 5, redress orders or declaratory decisions referred to in Article 6 or final approval of the settlement referred to in Article 8;	deleted	
Article 18(3), point(e)				
155	(e) the outcomes of the representative actions;	(e) the outcomes of the representative actions;	(e) the outcomes of the representative actions;	
Article 18(3), point(f)				
156	(f) the number of qualified entities participating in cooperation and exchange of best practices mechanism referred to in	(f) the number of qualified entities participating in cooperation and exchange of best practices mechanism referred to in	deleted	

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	Article 15(3).	Article 15(3).		
Article 18a				
156a		<p><u>Article 18a</u> <u>Review clause</u></p> <p>AM 102</p>		
Article 18a(1)				
156b		<p><u>Without prejudice to Article 16, the Commission shall assess whether cross-border representative actions could be best addressed at Union level by establishing a European Ombudsman for collective redress. No later than three years after the entry into force of this Directive, the Commission shall draw up a report in this regard and submit it to the European Parliament and the Council, accompanied, if appropriate, by a relevant proposal.</u></p> <p>AM 102</p>		
Article 19				
157				

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	Article 19 Transposition	Article 19 Transposition	Article 19 Transposition	
Article 19(1), first subparagraph				
158	1. Member States shall adopt and publish, by [18 months from the date of entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall adopt and publish, by [18 months from the date of entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall adopt and publish, by [18 30 months from the date of entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	
Article 19(1), second subparagraph				
159	Member States shall apply those provisions from [6 months after the transposition deadline].	Member States shall apply those provisions from [6 months after the transposition deadline].	Member States shall apply those provisions from [6 12 months after the transposition deadline].	
Article 19(1), third subparagraph				
160	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is	

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	to be made.	to be made.	to be made.	
Article 19(2)				
161	2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.	
Article 20				
162	Article 20 Transitional provisions	Article 20 Transitional provisions	Article 20 Transitional provisions	
Article 20(1)				
163	1. Member States shall apply the laws, regulations and administrative provisions transposing this Directive to infringements that started after [date of application of this Directive].	1. Member States shall apply the laws, regulations and administrative provisions transposing this Directive to infringements that started after [date of application of this Directive].	1. Member States shall apply the laws, regulations and administrative provisions transposing this Directive to infringements that started actions that are brought on or after [date of application of this Directive].	
Article 20(2)				
164	2. Member States shall apply the laws, regulations and	2. Member States shall apply the laws, regulations and	2. Member States shall apply the laws, regulations and	

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	administrative provisions transposing Directive 2009/22/EC to infringements that started before [date of application of this Directive].	administrative provisions transposing Directive 2009/22/EC to infringements that started before [date of application of this Directive].	administrative provisions transposing Directive 2009/22/EC to infringements that started actions that are brought before [date of application of this Directive].	
Article 20(2a)				
164a			2a. Member States shall ensure that national laws, regulations or administrative provisions on suspension or interruption of limitation periods transposing Article 11 only apply to redress claims based on infringements that occurred on or after [date of application of this Directive]. This shall not preclude the application of national provisions on suspension or interruption of limitation periods which were already applicable prior to [date of application of this Directive] to redress claims based on infringements that occurred before that date.	
Article 21				
165	Article 21	Article 21	Article 21	

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	Entry into force	Entry into force	Entry into force	
Article 21, first paragraph				
166	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 22				
167	Article 22 Addressees	Article 22 Addressees	Article 22 Addressees	
Article 22, first paragraph				
168	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	
Formula				
169	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
170	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				

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171	The President	The President	The President	
Formula				
172	For the Council	For the Council	For the Council	
Formula				
173	The President	The President	The President	
Annex I, Sub-Heading				
174	LIST OF PROVISIONS OF UNION LAW REFERRED TO IN ARTICLE 2(1)	LIST OF PROVISIONS OF UNION LAW REFERRED TO IN ARTICLE 2(1)	LIST OF PROVISIONS OF UNION LAW REFERRED TO IN ARTICLE 2(1)	
Annex I, point(-a)				
174a			A. General consumer law	
Annex I, point(1)				
175	(1) Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective	(1) Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective	(1) Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>products (OJ L 210 , 07.08.1985, p. 29 –33)¹.</p> <p>1. The said Directive was amended by Directive 1999/34/EC of the European Parliament and of the Council of 10 May 1999 amending Council Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (OJ L 141, 04.06.1999, p. 20 - 21).</p>	<p>products (OJ L 210 , 07.08.1985, p. 29 –33)¹.</p> <p>1. The said Directive was amended by Directive 1999/34/EC of the European Parliament and of the Council of 10 May 1999 amending Council Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (OJ L 141, 04.06.1999, p. 20 - 21).</p>	<p>products (OJ L 210 , 07.08.1985, p. 29 –33)¹.</p> <p>1. The said Directive was amended by Directive 1999/34/EC of the European Parliament and of the Council of 10 May 1999 amending Council Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (OJ L 141, 04.06.1999, p. 20 –21).</p>	
Annex I, point(2)				
176	(2) Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).	(2) Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).	(2) Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).	
Annex I, point(3)				
177	(3) Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers (OJ L 80, 18.3.1998, p. 27).	(3) Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers (OJ L 80, 18.3.1998, p. 27).	See ANNEX I under title B. Product information and labelling	
Annex I, point(4)				
178				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(4) Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ L 171, 7.7.1999, p. 12).	(4) Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ L 171, 7.7.1999, p. 12).	(4) Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ L 171, 7.7.1999, p. 12).	
Annex I, point(4a)				
178a			4a Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services (OJ L 136, 22.5.2019, p. 1–27).	
Annex I, point(4b)				
178b			4b Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28–50).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, point(4c)				
178c			4c Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4–17): Articles 3 and 5.	
Annex I, point(5)				
179	(5) Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects on information society services, in particular electronic commerce, in the internal market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1).	(5) Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects on information society services, in particular electronic commerce, in the internal market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1).	See ANNEX I under title F. Electronic commerce and services	
Annex I, point(6)				
180	(6) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use: Articles 86 to 100 (OJ L 311, 28.11.2001, p. 67).	(6) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use: Articles 86 to 100 (OJ L 311, 28.11.2001, p. 67).	See ANNEX I under title E. Health	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, point(7)				
181	(7) Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ L 108, 24.4.2002, p. 51–77).	(7) Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ L 108, 24.4.2002, p. 51–77).	See ANNEX I under title G. Telecommunication	
Annex I, point(8)				
182	(8) Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37): Article 13.	(8) Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37): Article 13.	See ANNEX I under title H. Personal data	
Annex I, point(9)				
183	(9) Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing	(9) Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing	See ANNEX I under title L. General financial services	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of consumer financial services (OJ L 271, 9.10.2002, p. 16).	of consumer financial services (OJ L 271, 9.10.2002, p. 16).		
Annex I, point(10)				
184	(10) Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.2.2004, p. 1).	(10) Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.2.2004, p. 1).	See ANNEX I under title C. Passenger rights	
Annex I, point(11)				
185	(11) Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market (OJ L 149, 11.6.2005, p. 22).	(11) Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market (OJ L 149, 11.6.2005, p. 22).	(11) Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market (OJ L 149, 11.6.2005, p. 22).	
Annex I, point(12)				
186	(12) Regulation (EC) No 1107/2006 of the European	(12) Regulation (EC) No 1107/2006 of the European	See ANNEX I under title C. Passenger	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJ L 204, 26.7.2006, p. 1).	Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJ L 204, 26.7.2006, p. 1).	rights	
Annex I, point(13)				
187	(13) Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising (OJ L 376, 27.12.2006, p. 21): Article 1, point (c) of Article 2 and Articles 4 to 8.	(13) Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising (OJ L 376, 27.12.2006, p. 21): Article 1, point (c) of Article 2 and Articles 4 to 8.	(13) Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising (OJ L 376, 27.12.2006, p. 21): Article 1, point (c) of Article 2 and Articles 4 to 8.	
Annex I, point(14)				
188	(14) Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).	(14) Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).	(14) Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36): Articles 20 and 22.	
Annex I, point(15)				
189	(15) Regulation (EC) No 1371/2007 of the European Parliament and of the Council of	(15) Regulation (EC) No 1371/2007 of the European Parliament and of the Council of	See ANNEX I under title C. Passenger rights	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).	23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).		
Annex I, point(16)				
190	(16) Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC (OJ L 133, 22.5.2008, p. 66).	(16) Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC (OJ L 133, 22.5.2008, p. 66).	See ANNEX I under title L. General financial services	
Annex I, point(17)				
191	(17) Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3): Articles 22, 23 and 24.	(17) Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3): Articles 22, 23 and 24.	See ANNEX I under title C. Passenger rights	
Annex I, point(18)				
192	(18) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on	(18) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on	See ANNEX I under title B. Product information and labelling	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1–1355).	classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1–1355).		
Annex I, point(19)				
193	(19) Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts (OJ L 33, 3.2.2009, p. 10).	(19) Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts (OJ L 33, 3.2.2009, p. 10).	See ANNEX I under title D. Tourism	
Annex I, point(20)				
194	(20) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55–93).	(20) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55–93).	See ANNEX I under title I. Energy market	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, point(21)				
195	(21) Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94–136).	(21) Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94–136).	See ANNEX I under title I. Energy market	
Annex I, point(22)				
196	(22) Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 302, 17.11.2009, p. 32–96).	(22) Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 302, 17.11.2009, p. 32–96).	See ANNEX I under title M. Investment services	
Annex I, point(23)				
197	(23) Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001	(23) Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001	See ANNEX I under title L. General financial services	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(OJ L 266, 9.10.2009, p. 11–18).	(OJ L 266, 9.10.2009, p. 11–18).		
Annex I, point(24)				
198	(24) Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7–17).	(24) Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7–17).	See ANNEX I under title L. General financial services	
Annex I, point(25)				
199	(25) Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10–35).	(25) Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10–35).	See ANNEX I under title J. Energy efficiency	
Annex I, point(26)				
200	(26) Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the	(26) Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the	See ANNEX I under title B. Product information and labelling	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46–58).	labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46–58).		
Annex I, point(27)				
201	(27) Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1–155): Articles 183, 184, 185 and 186.	(27) Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1–155): Articles 183, 184, 185 and 186.	See ANNEX I under title N. Insurances and retirement services	
Annex I, point(28)				
202	(28) Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1): Articles 9, 10, 11 and Articles 19 to 26.	(28) Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1): Articles 9, 10, 11 and Articles 19 to 26.	See ANNEX I under title F. Electronic commerce and services	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, point(29)				
203	(29) Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13–35).	(29) Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13–35).	deleted	
Annex I, point(30)				
204	(30) Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1–19).	(30) Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1–19).	See ANNEX I under title B. Product information and labelling	
Annex I, point(31)				
205	(31) Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1).	(31) Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1).	See ANNEX I under title C. Passenger rights	
Annex I, point(32)				
206	(32) Regulation (EU) No	(32) Regulation (EU) No		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).	181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).	See ANNEX I under title C. Passenger rights	
Annex I, point(33)				
207	(33) Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45–65).	(33) Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45–65).	deleted	
Annex I, point(34)				
208	(34) Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ L 174, 1.7.2011, p. 1–73).	(34) Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ L 174, 1.7.2011, p. 1–73).	See ANNEX I under title M. Investment services	
Annex I, point(35)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
209	(35) Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).	(35) Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).	(35) Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).	
Annex I, point(36)				
210	(36) Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and	(36) Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and	See ANNEX I under title B. Product information and labelling	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18–63).	Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18–63).		
Annex I, point(37)				
211	(37) Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22–37).	(37) Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22–37).	See ANNEX I under title L. General financial services	
Annex I, point(38)				
212	(38) Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union (OJ L 172, 30.6.2012, p. 10–35).	(38) Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union (OJ L 172, 30.6.2012, p. 10–35).	See ANNEX I under title G. Telecommunication	
Annex I, point(39)				
213	(39) Directive 2012/27/EU of the European Parliament and of the	(39) Directive 2012/27/EU of the European Parliament and of the	See ANNEX I under title J. Energy	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1–56).	Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1–56).	efficiency	
Annex I, point(40)				
214	(40) Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes (OJ L 165, 18.6.2013, p. 63): Article 13.	(40) Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes (OJ L 165, 18.6.2013, p. 63): Article 13.	See ANNEX I under title K. Dispute resolution	
Annex I, point(41)				
215	(41) Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes (Regulation on consumer ODR) (OJ L 165, 18.6.2013, p. 1): Article 14.	(41) Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes (Regulation on consumer ODR) (OJ L 165, 18.6.2013, p. 1): Article 14.	See ANNEX I under title K. Dispute resolution	
Annex I, point(42)				
216	(42) Regulation (EU) No	(42) Regulation (EU) No		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	345/2013 of the European Parliament and of the Council of 17 April 2013 on European venture capital funds (OJ L 115, 25.4.2013, p. 1–17).	345/2013 of the European Parliament and of the Council of 17 April 2013 on European venture capital funds (OJ L 115, 25.4.2013, p. 1–17).	deleted	
Annex I, point(43)				
217	(43) Regulation (EU) No 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship funds (OJ L 115, 25.4.2013, p. 18–38).	(43) Regulation (EU) No 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship funds (OJ L 115, 25.4.2013, p. 18–38).	deleted	
Annex I, point(44)				
218	(44) Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 (OJ L 60, 28.2.2014, p. 34): Articles 10, 11, 13, 14, 15, 16, 17, 18, 21, 22, 23, Chapter 10 and Annexes I and II.	(44) Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 (OJ L 60, 28.2.2014, p. 34): Articles 10, 11, 13, 14, 15, 16, 17, 18, 21, 22, 23, Chapter 10 and Annexes I and II.	See ANNEX I under title L. General financial services	
Annex I, point(45)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
219	(45) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349–496).	(45) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349–496).	See ANNEX I under title M. Investment services	
Annex I, point(46)				
220	(46) Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (OJ L 257, 28.8.2014, p. 214): Articles 3 to 18 and Article 20(2).	(46) Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (OJ L 257, 28.8.2014, p. 214): Articles 3 to 18 and Article 20(2).	See ANNEX I under title L. General financial services	
Annex I, point(47)				
221	(47) Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the	(47) Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the	See ANNEX I under title D. Tourism	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).	European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).		
Annex I, point(48)				
222	(48) Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs) (OJ L 352, 9.12.2014, p. 1–23).	(48) Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs) (OJ L 352, 9.12.2014, p. 1–23).	See ANNEX I under title M. Investment services	
Annex I, point(49)				
223	(49) Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015 on European long-term investment funds (OJ L 123, 19.5.2015, p. 98–121).	(49) Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015 on European long-term investment funds (OJ L 123, 19.5.2015, p. 98–121).	See ANNEX I under title M. Investment services	
Annex I, point(50)				
224	(50) Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015	(50) Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015	See ANNEX I under title L. General financial services	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35–127).	on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35–127).		
Annex I, point(51)				
225	(51) Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ L 310, 26.11.2015, p. 1–18).	(51) Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ L 310, 26.11.2015, p. 1–18).	See ANNEX I under title G. Telecommunication	
Annex I, point(52)				
226	(52) Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) (OJ	(52) Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) (OJ	See ANNEX I under title N. Insurances and retirement services	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	L 26, 2.2.2016, p. 19–59).	L 26, 2.2.2016, p. 19–59).		
Annex I, point(53)				
227	(53) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1–88).	(53) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1–88).	See ANNEX I under title H. Personal data	
Annex I, point(54)				
228	(54) Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (OJ L 354, 23.12.2016, p. 37–85).	(54) Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (OJ L 354, 23.12.2016, p. 37–85).	deleted	
Annex I, point(55)				
229	(55) Regulation (EU) 2017/1128 of the European Parliament and of the Council of 14 June 2017 on	(55) Regulation (EU) 2017/1128 of the European Parliament and of the Council of 14 June 2017 on	See ANNEX I under title F. Electronic commerce and services	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	cross-border portability of online content services in the internal market (OJ L 168, 30.6.2017, p. 1).	cross-border portability of online content services in the internal market (OJ L 168, 30.6.2017, p. 1).		
Annex I, point(56)				
230	(56) Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168, 30.6.2017, p. 12–82).	(56) Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168, 30.6.2017, p. 12–82).	See ANNEX I under title M. Investment services	
Annex I, point(57)				
231	(57) Regulation (EU) 2017/1131 of the European Parliament and of the Council of 14 June 2017 on money market funds (OJ L 169, 30.6.2017, p. 8–45).	(57) Regulation (EU) 2017/1131 of the European Parliament and of the Council of 14 June 2017 on money market funds (OJ L 169, 30.6.2017, p. 8–45).	See ANNEX I under title M. Investment services	
Annex I, point(58)				
232	(58) Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling	(58) Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling	See ANNEX I under title B. Product information and labelling	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1–23).	and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1–23).		
Annex I, point(59)				
233	(59) Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (OJ L 60, 02.03.2018, p. 1).	(59) Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (OJ L 60, 02.03.2018, p. 1).	(59) Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (OJ L 60, 02.03.2018, p. 1): Articles 3 - 5.	
Annex I, point(59a)				
233a		<u>(59a) Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4).</u> AM 103		
Annex I, point(59b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
233b		<p><u>(59b) Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (OJ L 96, 29.3.2014, p. 357).</u></p> <p>AM 104</p>		
Annex I, point(59c)				
233c		<p><u>(59c) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).</u></p> <p>AM 105</p>		
Annex I, point(59d)				
233d		<p><u>(59d) Directive 2014/31/EU of</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments (OJ L 96, 29.3.2014, p. 107).</u></p> <p>AM 106</p>		
Annex I, point(59e)				
233e		<p><u>(59e) Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products (OJ L 212, 22.7.1989, p. 79).</u></p> <p>AM 107</p>		
Annex I, point(59f)				
233f		<p><u>(59f) Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		repealing Regulation (EC) No 1775/2005 (OJ L 211, 14.8.2009, p. 36). AM 108		
Annex I, point(59a)				
233g			B. Product information and labelling	
Annex I, point(59b)				
233h			(3) Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers (OJ L 80, 18.3.1998, p. 27). See row 177 - Identical	
Annex I, point(59c)				
233i			(18) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1–1355): Articles 1 - 35.</p> <p>See row 192</p>	
Annex I, point(59d)				
233j			<p>(26) Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46–58): Articles 4 - 6.</p> <p>See row 200</p>	
Annex I, point(59e)				
233k			<p>(30) Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1–19): Articles 9 - 10.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			see row 204	
Annex I, point(59f)				
233l			<p>(36) Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18–63).</p> <p>See row 210 - identical</p>	
Annex I, point(59g)				
233m			(58) Regulation (EU) 2017/1369 of the European Parliament and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1–23): Articles 3 - 6.</p> <p>See row 232</p>	
Annex I, point(59h)				
233n			C. Passenger rights	
Annex I, point(59i)				
233o			10-a) Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in respect of the carriage of passengers and their baggage by air (OJ L 285 , 17.10.1997, p. 1 –3).	
Annex I, point(59j)				
233p			(10) Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.2.2004, p. 1).</p> <p>See row 184 - identical</p>	
Annex I, point(59k)				
233q			<p>(12) Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJ L 204, 26.7.2006, p. 1).</p> <p>See row 186 - identical</p>	
Annex I, point(59l)				
233r			<p>(15) Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).</p> <p>See row 189 - identical</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, point(59m)				
233s			<p>(17) Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3): Article 23.</p> <p>See row 191</p>	
Annex I, point(59n)				
233t			<p>(17a) Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents (OJ L 131, 28.5.2009, p. 24–46).</p>	
Annex I, point(59o)				
233u			<p>(31) Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1).</p> <p>See row 205 - identical</p>	
Annex I, point(59p)				
233v			<p>(32) Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).</p> <p>See row 206 - identical</p>	
Annex I, point(59q)				
233w			D. Tourism	
Annex I, point(59r)				
233x			<p>(19) Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>timeshare, long-term holiday product, resale and exchange contracts (OJ L 33, 3.2.2009, p. 10).</p> <p>See row 193 - identical</p>	
Annex I, point(59s)				
233y			<p>(47) Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).</p> <p>See row 221 - identical</p>	
Annex I, point(59t)				
233z			E. Health	
Annex I, point(59u)				
233aa			(6) Directive 2001/83/EC of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67): Articles 86–90, 98 and 100.</p> <p>See row 180</p>	
Annex I, point(59v)				
233ab			<p>(6a) Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (recast) (OJ L 342, 22.12.2009, p. 59–209): Articles 3–8 and 19–21.</p>	
Annex I, point(59w)				
233ac			<p>(33a) Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC: Chapter II.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, point(59x)				
233ad			(33b) Regulation 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU: Chapter II.	
Annex I, point(59y)				
233ae			F. Electronic commerce and services	
Annex I, point(59z)				
233af			(5) Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects on information society services, in particular electronic commerce, in the internal market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1): Articles 5–7, 10 and 11. See row 179	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, point(59aa)				
233ag			<p>(28) Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1): Articles 9–11, 19–26 and 28b.</p> <p>See row 202</p>	
Annex I, point(59ab)				
233ah			<p>(55) Regulation (EU) 2017/1128 of the European Parliament and of the Council of 14 June 2017 on cross-border portability of online content services in the internal market (OJ L 168, 30.6.2017, p. 1).</p> <p>See row 229 - identical</p>	
Annex I, point(59ac)				
233ai				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			G. Telecommunication	
Annex I, point(59ad)				
233aj			<p>(7) Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ L 108, 24.4.2002, p. 51–77): Article 10 and Chapter IV.</p> <p>See row 181</p>	
Annex I, point(59ae)				
233ak			<p>(7a) Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast) (OJ L 321, 17.12.2018, p. 36–214): Articles 88, 98 – 116 and Annexes VI and VIII.</p>	
Annex I, point(59af)				
233al				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>(38) Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union (OJ L 172, 30.6.2012, p. 10–35).</p> <p>See row 212 - identical</p>	
Annex I, point(59ag)				
233am			<p>(51) Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and retail charges for regulated intra-EU communications and amending Directive 2002/22/EC and Regulation (EU) No 531/2012 (OJ L 310, 26.11.2015, p. 1–18).</p> <p>See row 225</p>	
Annex I, point(59ah)				
233an			H. Personal data	
Annex I, point(59ai)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
233ao			<p>(8) Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37): Articles 4–8 and 13.</p> <p>See row 182</p>	
Annex I, point(59aj)				
233ap			<p>(53) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1–88).</p> <p>See row 227 - identical</p>	
Annex I, point(59ak)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
233aq			I. Energy market	
Annex I, point(59al)				
233ar			<p>(20) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55–93): Article 3 and Annex I.</p> <p>See row 194</p>	
Annex I, point(59am)				
233as			<p>(21) Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94–136): Article 3 and Annex I.</p> <p>See row 195</p>	
Annex I, point(59an)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
233at			J. Energy efficiency	
Annex I, point(59ao)				
233au			<p>(25) Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10–35): Article 14 and Annex I.</p> <p>See row 199</p>	
Annex I, point(59ap)				
233av			<p>(39) Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10–35): Article 14 and Annex I.</p> <p>See row 213</p>	
Annex I, point(59aq)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
233aw			K. Dispute resolution	
Annex I, point(59ar)				
233ax			<p>(40) Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes (OJ L 165, 18.6.2013, p. 63): Article 13.</p> <p>See row 214 - identical</p>	
Annex I, point(59as)				
233ay			<p>(41) Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes (Regulation on consumer ODR) (OJ L 165, 18.6.2013, p. 1): Article 14.</p> <p>See row 215 - identical</p>	
Annex I, point(59at)				
233az			L. General financial services	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, point(59au)				
233ba			<p>(9) Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services (OJ L 271, 9.10.2002, p. 16).</p> <p>See row 183 - identical</p>	
Annex I, point(59av)				
233bb			<p>(16) Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC (OJ L 133, 22.5.2008, p. 66).</p> <p>See row 190 - identical</p>	
Annex I, point(59aw)				
233bc			<p>(23) Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>Regulation (EC) No 2560/2001 (OJ L 266, 9.10.2009, p. 11–18).</p> <p>See row 197 - identical</p>	
Annex I, point(59ax)				
233bd			<p>(24) Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7–17).</p> <p>See row 198 - identical</p>	
Annex I, point(59ay)				
233be			<p>(37) Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22–37).</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			See row 211 - identical	
Annex I, point(59az)				
233bf			<p>(44) Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 (OJ L 60, 28.2.2014, p. 34).</p> <p>See row 218</p>	
Annex I, point(59ba)				
233bg			<p>(46) Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (OJ L 257, 28.8.2014, p. 214).</p> <p>See row 220</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, point(59bb)				
233bh			<p>(50) Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35–127).</p> <p>See row 224 - identical</p>	
Annex I, point(59bc)				
233bi			M. Investment services	
Annex I, point(59bd)				
233bj			<p>(22) Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 302, 17.11.2009, p. 32–96).</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			See row 196 - identical	
Annex I, point(59be)				
233bk			<p>(34) Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ L 174, 1.7.2011, p. 1–73).</p> <p>See row 208 - identical</p>	
Annex I, point(59bf)				
233bl			<p>(45) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349–496): Articles 23–29.</p> <p>See row 219</p>	
Annex I, point(59bg)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
233bm			<p>(48) Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs) (OJ L 352, 9.12.2014, p. 1–23).</p> <p>See row 222 - identical</p>	
Annex I, point(59bh)				
233bn			<p>(49) Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015 on European long-term investment funds (OJ L 123, 19.5.2015, p. 98–121).</p> <p>See row 223 - identical</p>	
Annex I, point(59bi)				
233bo			<p>(56) Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168, 30.6.2017, p. 12–82).</p> <p>See row 230 - identical</p>	
Annex I, point(59bj)				
233bp			<p>(57) Regulation (EU) 2017/1131 of the European Parliament and of the Council of 14 June 2017 on money market funds (OJ L 169, 30.6.2017, p. 8–45).</p> <p>See row 231</p>	
Annex I, point(59bk)				
233bq			<p>N. Insurance and retirement services</p>	
Annex I, point(59bl)				
233br			<p>(27) Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335,</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			17.12.2009, p. 1–155): Articles 183–186. See row 201 - identical	
Annex I, point(59bm)				
233bs			(52) Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) (OJ L 26, 2.2.2016, p. 19–59): Articles 17–24 and 28–30. See row 226	
Annex II, Sub-Heading				
234	CORRELATION TABLE	CORRELATION TABLE	CORRELATION TABLE	
Annex II, Table				
235	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	The element is not present in the annex, as it is not supported. Please consult the original document	