

# 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 [Final agreed text]

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

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				Text Origin: Commission Proposal
Citation 1				
6	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,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,  Text Origin: Commission Proposal
Citation 2				
6	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,	Having regard to the proposal from the European Commission,  Text Origin: Commission Proposal
Citation 3				
6	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,	After transmission of the draft legislative act to the national parliaments,  Text Origin: Commission Proposal
Citation 4				
6	7 Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> , _____	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> , _____	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> , _____	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> , _____

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	1. OJ C [...], [...], p. [...].	1. OJ C [...], [...], p. [...].	<del>1. OJ C [...], [...], p. [...].</del>	1. OJ C [...], [...], p. [...]. <small>Text Origin: Commission Proposal</small>
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,	Acting in accordance with the ordinary legislative procedure, <small>Text Origin: Commission Proposal</small>
Formula				
9	Whereas:	Whereas:	Whereas:	Whereas: <small>Text Origin: Commission Proposal</small>
Recital -1				
9a			<b>(-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.</b>	<b><i>(-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.</i></b> <small>Text Origin: Council Mandate</small>

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	Recital -1a			
9b			<p><b>(-1a) Lack of effective means of 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.</b></p>	<p><i>(-1a) Lack of effective means of 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.</i></p> <p><small>Text Origin: Council Mandate</small></p>
	Recital -1b			
9c			<p><b>(-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.</b></p>	<p><i>(-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.</i></p> <p><small>Text Origin: Council Mandate</small></p>

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Recital -1c				
9d			<p><b>(-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.</b></p>	<p><i>(-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.</i></p> <p><small>Text Origin: Council Mandate</small></p>
Recital 1				
10	<p>(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.</p>	<p>(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>, <del>or</del> price reduction <u>or contract termination</u> as available under national laws.</p>	<p>deleted</p> <p>Moved to recital 2c</p>	<p>deleted</p>

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		AM 1		
Recital 2				
11	<p>(2) Directive 2009/22/EC of the European Parliament and of the Council<sup>1</sup> 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><sup>1</sup>. OJ L 110/30, 1.5.2009.</p>	<p>(2) Directive 2009/22/EC of the European Parliament and of the Council<sup>1</sup> enabled qualified <b>representative</b> 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, <b>to encourage good and responsible business practices</b>, 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. <b><u>There is a strong need for Union intervention, on the basis of Article 114 TFEU, in order to ensure both access to justice and sound administration of justice as it will reduce the costs and burden entailed by individual actions.</u></b></p> <p><sup>1</sup>. OJ L <del>110/30</del><b>110</b>, 1.5.2009, <b>p. 30</b>.</p> <p>AM 2</p>	<p>(2) Directive 2009/22/EC of the European Parliament and of the Council<sup>1</sup> 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 <b>in an increasingly globalised and digitalised marketplace</b>, it is necessary to strengthen the mechanism for protection of collective interests of consumers <b>to cover redress measures as well as injunction measures</b>. Given the numerous changes <b>required</b>, <del>for the sake of clarity</del> it is appropriate to replace Directive 2009/22/EC.</p> <p><sup>1</sup>. OJ L 110/30, 1.5.2009.</p>	<p>(2) Directive 2009/22/EC of the European Parliament and of the Council<sup>1</sup> 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 <b>in an increasingly globalised and digitalised marketplace</b>, it is necessary to strengthen the mechanism for protection of collective interests of consumers <b>to cover redress measures as well as injunction measures</b>. Given the numerous changes <b>required</b>, <del>for the sake of clarity</del> it is appropriate to replace Directive 2009/22/EC.</p> <p><sup>1</sup>. <del>OJ L 110/30, 1.5.2009.</del></p> <p>Text Origin: Council Mandate</p>

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	Recital 2a			
6	11a		<p><b>(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.</b></p>	<p><i>(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.</i></p> <p><small>Text Origin: Council Mandate</small></p>
	Recital 2b			
6	11b		<p><b>(2b) This Directive should therefore be aimed at ensuring that at least one representative action procedure for injunction and redress measures is available to consumers in all Member States, which allows for effective and efficient representative actions available at national and the Union level. This would boost consumer confidence, empower consumers to exercise their rights, contribute to fairer competition</b></p>	<p><i>(2b) This Directive should therefore be aimed at ensuring that at least one representative action procedure for injunction and redress measures is available to consumers in all Member States, which allows for effective and efficient representative actions available at national and the Union level. This would boost consumer confidence, empower consumers to exercise their rights, contribute to fairer competition and create a level</i></p>

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			<p>and create a level playing field for traders operating in the internal market.</p> <p>Moved from recital 5</p>	<p><i>playing field for traders operating in the internal market.</i></p>
Recital 2c				
6	11c		<p><b>(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 prohibit an infringement and to seek redress, such as compensation, repair or price reduction as appropriate and available under Union and national laws.</b></p> <p>Moved from recital 1</p>	<p><i>(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 prohibit an infringement and to seek redress, such as compensation, repair or price reduction as appropriate and available under Union and national laws.</i></p> <p>Text Origin: Council Mandate</p>
Recital 3				
6	12	(3) A representative action should offer an effective and efficient way of protecting the collective interests	(3) A representative action should offer an effective and efficient way of protecting the collective interests	(3) A representative action should offer an effective and efficient way of protecting the collective interests



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	<p>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>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 increasing legal certainty for both claimants and defendants, as well as for the legal system</u>.</p> <p>AM 3</p>	<p>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>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>Text Origin: Commission Proposal</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</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</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 <del>Single</del> <b>internal</b> market. To prevent the misuse of representative actions, elements such as punitive damages <del>and the absence of limitations as regards the entitlement to bring an</del></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 <del>Single</del> <b>internal</b> market. To prevent the misuse of representative actions, elements such as punitive damages <del>and the absence of limitations as regards the entitlement to bring an</del></p>

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	<p>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>behalf of the harmed consumers should be avoided and clear rules on various procedural aspects, such as the designation of qualified <b>representative</b> entities, the origin of their funds and nature of the information required to support the representative action, should be laid down. <b><u>The unsuccessful party</u></b> <del>This Directive</del> should <b><u>not affect national rules concerning the allocation of procedural</u></b> <b><u>bear the costs of the 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></b></p> <p>AM 4</p>	<p><del>action on behalf of the harmed consumers</del> should be avoided and <del>clear</del> rules on <del>various</del> <b>certain</b> procedural aspects, such as the designation <b>and funding</b> of qualified entities, <del>the origin of their funds and nature of the information required to support the representative action,</del> should be laid down. This Directive should not affect national rules concerning the allocation of procedural costs.</p> <p>Last sentence moved partially to recital 13c</p>	<p><del>action on behalf of the harmed consumers</del> should be avoided and <del>clear</del> rules on <del>various</del> <b>certain</b> procedural aspects, such as the designation <b>and funding</b> of qualified entities, <del>the origin of their funds and nature of the information required to support the representative action,</del> should be laid down. <del>This Directive should not affect national rules concerning the allocation of procedural costs.</del></p> <p>Text Origin: Council Mandate</p>
Recital 4a				
13a			<p><b>(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</b></p>	<p><i>(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</i></p>

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			<p>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 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>	<p><i>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 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.</i></p> <p>Text Origin: Council Mandate</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</p>	<p><i>(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</i></p>

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			<p><b>minimum number of consumers concerned by an action for redress for the purpose of a case 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. In accordance with the principle of non-discrimination, the admissibility requirements applied to specific crossborder representative actions should not differ from those applied to specific domestic representative actions. A dismissal of the action should not affect the rights of the consumers concerned by the action.</b></p>	<p><i>consumers concerned by an action for redress for the purpose of a case 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. In accordance with the principle of non-discrimination, the admissibility requirements applied to specific crossborder representative actions should not differ from those applied to specific domestic representative actions. A dismissal of the action should not affect the rights of the consumers concerned by the action.</i></p>
Recital 5				
14	<p>(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.</p>	<p>(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.</p>	<p>deleted</p> <p>Moved to recital 2b</p>	<p>deleted</p>
Recital 6				
15	<p>(6) This Directive should cover a</p>	<p>(6) This Directive should cover a</p>	<p>(6) <b>The scope of</b> this Directive</p>	<p>(6) <b><i>The scope of</i></b> this Directive</p>

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	<p>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, 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>variety of areas such as data protection, financial services, travel and tourism, energy, telecommunications, <u>environment and health</u> <del>and environment</del>. It should cover infringements of provisions of Union law which protect the <u>collective</u> interests of consumers, regardless of whether they are 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>should cover a variety of areas such as <del>data</del> <b>reflect the recent developments in the field of consumer</b> 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, 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. <b>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</b></p>	<p><i>should cover a variety of areas such as <del>data</del> reflect the recent developments in the field of consumer</i> protection, <del>financial services, travel and tourism, energy, telecommunications and environment</del>. <i>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, 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. <b>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</b></i></p>

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			<p>enforcement of consumer law in these fields. Also in the field of digital 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>	<p><i>consumer law in these fields. Also in the field of digital services, the consumer market has evolved and there is an increased need for a more efficient enforcement of consumer law, including data protection.</i></p> <p>Text Origin: Council Mandate</p>
Recital 6a				
6 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>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
Recital 6b				

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6	15b		<p><b>(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.</b></p> <p>Moved from recital 6</p>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
Recital 6c				
6	15c		<p><b>(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 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</b></p>	<p><i>(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 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</i></p>

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			<p>services, including investment services.</p> <p>Moved from recital 6</p>	<p><i>services, including investment services.</i></p> <p>Text Origin: Council Mandate</p>
Recital 6d				
6	15d		<p><b>(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.</b></p> <p>Moved from recital 6</p>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
Recital 6e				
6	15e		<p><b>(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.</b></p>	<p><i>(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.</i></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Recital 7				
16	<p>(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<sup>1</sup> and for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations.<sup>2</sup> 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><sup>1</sup>. COM(2013) 130 final. <sup>2</sup>. COM(2017) 548 final.</p>	<p>(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<sup>1</sup> and for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations.<sup>2</sup> 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><sup>1</sup>. COM(2013) 130 final. <sup>2</sup>. COM(2017) 548 final.</p>	<p>(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<sup>1</sup> and for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations.<sup>2</sup> 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><del><sup>1</sup>. COM(2013) 130 final. <sup>2</sup>. COM(2017) 548 final.</del></p>	<p>deleted</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 7a				
16a			<p><b>(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 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.</b></p> <p>Moved from recital 12</p>	<p><i>(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 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.</i></p> <p>Text Origin: Council Mandate</p>
Recital 8				
17				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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 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.	(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 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.	(8) Building on Directive 2009/22/EC, this Directive should cover both domestic and cross-border infringements, in particular when consumers <del>concerned</del> <b>affected</b> 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 which <b>have</b> ceased before the representative action <b>has been</b> started or concluded, since it may still be necessary to prevent the repetition of the practice <b>by prohibiting it, to</b> establish that a given practice constituted an infringement and <b>to</b> facilitate consumer redress.	(8) Building on Directive 2009/22/EC, this Directive should cover both domestic and cross-border infringements, in particular when consumers <del>concerned</del> <b>affected</b> 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 which <b>have</b> ceased before the representative action <b>has been</b> started or concluded, since it may still be necessary to prevent the repetition of the practice <b>by prohibiting it, to</b> establish that a given practice constituted an infringement and <b>to</b> facilitate consumer redress.  <small>Text Origin: Council Mandate</small>
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><a href="#">preventing any increase in forum shopping</a></u> .  <small>AM 7</small>	(9) This Directive should not <b>affect the application of nor</b> establish rules <del>of</del> 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. <b>In particular, Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction</b>	(9) This Directive should not <b>affect the application of nor</b> establish rules <del>of</del> 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. <b>In particular, Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and</b>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>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 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.</p>	<p><i>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 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.</i></p> <p><small>Text Origin: Council Mandate</small></p>
Recital 9a				
18a		<p><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</i></u></p>	<p>(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.</p>	<p><i>(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.</i></p> <p><small>Text Origin: Council Mandate</small></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><a href="#">Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) apply to the representative actions set out by this Directive.</a></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 Member State or even if consumers from several Member</p>	<p><i>(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 Member State or even if consumers from several Member States are represented within that action. Decisive for</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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.	<i>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.</i>  Text Origin: Council Mandate
Recital 9c				
18c			(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.  Moved from recital 11	<i>(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.</i>  Text Origin: Council Mandate
Recital 10				
19	(10) As only qualified entities can bring the representative actions, to ensure that the collective interests of	(10) As only qualified <i>representative</i> entities can bring the representative actions, to ensure that	(10) <del>As only qualified entities can bring the</del> <b>For the purpose of cross-border</b> representative actions, <del>to</del>	(10) <del>As only qualified entities can bring the</del> <b>For the purpose of cross-border</b> representative actions, <del>to</del>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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>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 <del>could</del> <u>should</u> include for example <del>requirements regarding the number of members, the degree of permanence, or</del> 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. The</u> <del>These criteria should apply to both</del> qualified <u>representative</u> entities <del>designated in advance and to ad hoc qualified entities that are constituted for the purpose of a specific action</del> <u>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.</u></p> <p>AM 9</p>	<p><del>ensure that the collective interests of consumers are adequately represented the</del> qualified entities should comply with the <b>same</b> criteria <del>established by this Directive</del> <b>across the Union</b>. In particular, they would need to be <b>legal persons</b> 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 <b>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. Qualified entities should not be subject to insolvency procedure or declared insolvent. They should also be not for profit and have a legitimate be independent and not influenced by persons, other than consumers, who have an economic 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</b></p>	<p><i>ensure that the collective interests of consumers are adequately represented the</i> qualified entities should comply with the <b>same</b> criteria <del>established by this Directive</del> <b>across the Union</b>. In particular, they would need to be <b>legal persons</b> properly constituted according to the law of a Member State, <del>which could include for example requirements regarding the number of members, the degree of permanence, or transparency requirements on relevant aspects</del> <b>have a certain degree of permanence and public activity, have a non-profit making character and have a legitimate interest, in light of their structure such as their constitutive statutes, management structure, objectives and working methods</b> <b>statutory purpose, in protecting consumer interests as provided by relevant Union law. Qualified entities should not be subject to insolvency procedure or declared insolvent. They should be independent and not influenced by persons, other than consumers, who have an economic</b> <del>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</del> <b>the bringing of</b></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>constituted for the purpose of a specific action <del>the</del> bringing of any representative action, in particular by traders, including in case of funding by third parties, and should have established procedures preventing such influence as well as conflict of interest between itself, its funders and consumer interest. They should disclose publicly by any appropriate means, in particular on its website, in plain and intelligible language, information demonstrating compliance with the designation criteria and general information about the sources of its funding in general, its organisational, management and membership structure, objectives and activities.</p>	<p><i>any representative action, in particular by traders or hedge funds, including in case of funding by third parties, and should have established procedures preventing such influence as well as conflict of interest between itself, its funders and consumer interest. They should disclose publicly by any appropriate means, in particular on its website, in plain and intelligible language, information demonstrating compliance with the designation criteria and general information about the sources of its funding in general, its organisational, management and membership structure, objectives and activities.</i></p> <p><small>Text Origin: Council Mandate</small></p>
Recital 10a				
19a			<p><b>(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 qualified entities designated for the purpose of cross-border actions also in</b></p>	<p><i>(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 qualified entities designated for the purpose of cross-border actions also in respect of</i></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			respect of qualified entities acting only for the purpose of domestic actions.	<i>qualified entities acting only for the purpose of domestic actions.</i> <small>Text Origin: Council Mandate</small>
Recital 10b				
6	19b		<b>(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.</b>	<i>(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.</i> <small>Text Origin: Council Mandate</small>
Recital 10c				
6	19c			
Recital 11				
6	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	(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  deleted  Moved to recital 9b	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	measures that may be sought by each of these qualified entities in representative actions.	measures that may be sought by each of these qualified entities in representative actions.		
	Recital 11a			
20a			<p><b>(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 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.</b></p>	<p><i>(11a) Member States should be able to designate qualified entities in advance. This Directive does not encourage Member States to introduce the possibility to designate qualified entities on an ad hoc basis. 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 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.</i></p> <p><small>Text Origin: Council Mandate</small></p>
	Recital 11b			
20b			<b>(11b) It should be for the</b>	<i>(11b) It should be for the</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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.	<i>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.</i>  Text Origin: Council Mandate
	Recital 11c			
6	20c		(11c) If concerns appear 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.	<i>(11c) If concerns appear 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.</i>  Text Origin: Council Mandate
	Recital 11d			
6	20d		(11d) Member States should ensure that cross-border representative actions can be	<i>(11d) Member States should ensure that cross-border representative actions can be brought in their</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>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 to examine whether the action is suitable to be heard as a single representative action.</p>	<p><i>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 to examine whether the action is suitable to be heard as a single representative action.</i></p> <p><small>Text Origin: Council Mandate</small></p>
Recital 11e				
20e			<p>(11e) The mutual recognition of the legal standing 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 standing of the organisation or public body bringing the action. This should be without prejudice to the right to</p>	<p><i>(11e) The mutual recognition of the legal standing 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 standing of the organisation or public body bringing the action. This should be without prejudice to the right to</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			examine whether the purpose of the qualified entity justifies its taking action in a specific case.	<i>examine whether the purpose of the qualified entity justifies its taking action in a specific case.</i>
	Recital 11f			
G	20f			.
	Recital 11g			
G	20g			.
	Recital 11h			
G	20h			.
	Recital 11i			
G	20i			.
	Recital 12			
G	21	(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	(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  deleted  Moved to recital 7a	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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>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>		
Recital 12a				
21a			<p><b>(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</b></p>	<p><i>(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</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><b>injunction measure should not depend on whether the practice was committed intentionally or by negligence.</b></p> <p>Moved from recital 14</p>	<p><i>injunction measure should not depend on whether the practice was committed intentionally or by negligence.</i></p> <p>Text Origin: Council Mandate</p>
Recital 12b				
21b			<p><b>(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 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</b></p>	<p><i>(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 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</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>subsequent claims for redress would require the qualified entity to provide sufficient information on the group of consumers concerned by the action.</p>	<p><i>provide sufficient information on the group of consumers concerned by the action.</i></p> <p>Text Origin: Council Mandate</p>
Recital 13				
22	<p>(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. 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>(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. 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>(13) <del>To increase the procedural effectiveness of representative actions.</del> <b>Member States should ensure that</b> qualified entities <del>should have the possibility to seek different</del> <b>injunction</b> measures <del>within a single representative action or within separate</del> <b>and redress measures. With the objective of the procedural effectiveness of representative actions. <del>These measures,</del> <b>Member States</b> 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, <b>be able to decide that qualified entities have the possibility to seek injunction and redress</b> 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,</b></p>	<p>(13) <i>To increase the procedural effectiveness of representative actions.</i> <b>Member States should ensure that</b> qualified entities <del>should have the possibility to seek different</del> <b>injunction</b> measures <del>within a single representative action or within separate</del> <b>and redress measures. With the objective of the procedural effectiveness of representative actions. <del>These measures,</del> <b>Member States</b> 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, <b>be able to decide that qualified entities have the possibility to seek injunction and redress</b> measures <del>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,</del></b></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>including redress <del>within a single representative action or within separate representative actions</del>. 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 <del>injunctions</del> <del>order</del> <b>injunction measures</b> and subsequently and if appropriate redress <del>order</del> <b>measures</b>.</p>	<p><del>redress</del> <i>within a single representative action or within separate representative actions</i>. 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 <del>injunctions</del> <del>order</del> <i>injunction measures</i> and subsequently and if appropriate redress <del>order</del> <i>measures</i>.</p> <p>Text Origin: Council Mandate</p>
Recital 13a				
22a			<p><b>(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</b></p>	<p><i>(13a) The qualified entity bringing the representative action under this Directive should be seeking the relevant measures, including redress measures, in the interests and on behalf 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, but they should not be claimant party to the proceedings. In any case, individual consumers should not be able to interfere with the procedural decisions undertaken by the</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><b>individually appeal the procedural decisions of the court or the administrative authority overseeing the representative action. Neither should the individual consumers have procedural obligations within the representative action.</b></p>	<p><i>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 within the representative action nor bear the costs of the proceedings, except in exceptional circumstances.</i></p>
Recital 13b				
22b			<p><b>(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.</b></p>	<p><i>(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.</i></p> <p><small>Text Origin: Council Mandate</small></p>
Recital 13c				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>22c</p>			<p><b>(13c) In representative actions for redress the defeated party should pay the costs of the proceedings borne by the successful party, in accordance with the conditions and exceptions provided for in national law. However, the court or administrative authority should not order the defeated party to pay the costs to the extent they were unnecessarily incurred. Individual consumers concerned by an action should not pay the costs of the proceedings. However, in exceptional circumstances, individual consumers concerned by a representative action for redress may be ordered to pay the costs of the proceedings that were deliberately or negligently caused by that individual consumer by, for example, prolonging the proceedings by unlawful conduct. 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.</b></p>	<p><i>(13c) In representative actions for redress the defeated party should pay the costs of the proceedings borne by the successful party, in accordance with the conditions and exceptions provided for in national law. However, the court or administrative authority should not order the defeated party to pay the costs to the extent they were unnecessarily incurred. Individual consumers concerned by an action should not pay the costs of the proceedings. However, in exceptional circumstances, individual consumers concerned by a representative action for redress may be ordered to pay the costs of the proceedings that were deliberately or negligently caused by that individual consumer by, for example, prolonging the proceedings by unlawful conduct. 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.</i></p> <p>Text Origin: CRP 17 June 2020</p>
Recital 13d				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
22d			<p><b>(13ca) In order to avoid risks of abusive litigation and in accordance with national law, Member States should set out or maintain rules so that the court or administrative authority may decide to dismiss manifestly unfounded cases as soon as the court or administrative authority has received the necessary information in order to motivate such decision. Member States should not be obliged to introduce special rules applicable to representative actions and may apply the general rules of proceedings meeting this objective.</b></p>	<p><i>(13ca) In order to avoid risks of abusive litigation and in accordance with national law, Member States should set out or maintain rules so that the court or administrative authority may decide to dismiss manifestly unfounded cases as soon as the court or administrative authority has received the necessary information in order to motivate such decision. Member States should not be obliged to introduce special rules applicable to representative actions and may apply the general rules of proceedings meeting this objective.</i></p> <p><small>Text Origin: CRP 17 June 2020</small></p>
Recital 14				
23	<p>(14) Injunction orders aim at the protection of the collective interests of consumers 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</p>	<p>(14) Injunction orders aim at the protection of the collective interests of consumers 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</p>	<p>deleted</p> <p>Moved to recital 12a</p>	<p>deleted</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	negligence.	negligence.		
Recital 14a				
23a			<p><b>(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 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.</b></p> <p>Moved from recital 13</p>	<p><i>(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 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.</i></p> <p>Text Origin: Council Mandate</p>
Recital 14b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
23b			<p><b>(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 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.</b></p>	<p><i>(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 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.</i></p> <p><small>Text Origin: Council Mandate</small></p>
Recital 15				
24	(15) The qualified entity initiating the representative action under this Directive should be a party to the	(15) The qualified entity initiating the representative action under this Directive should be a party to the	deleted	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 consumers harmed by the practice subject to the injunction order.	proceedings. Consumers concerned by the infringement should have adequate <u>information regarding opportunities to benefit from</u> the relevant outcomes of the representative action <u>and how they can benefit from them</u> . Injunction orders issued under this 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			<b>(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, in accordance with national law. A representative action seeking</b>	<b><i>(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, in accordance with national law. A representative action seeking redress under this Directive can only be brought where Union or</i></b>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>redress under this Directive can only be brought where Union or national law provides for such substantive rights.</p> <p>Moved from recital 23</p>	<p><i>national law provides for such substantive rights.</i></p>
Recital 15b				
24b			<p><b>(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 by the qualified entity within a representative action for redress. Member States should be able to decide at which</b></p>	<p><i>(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 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</i></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			stage of the representative action the individual consumers could exercise their right to opt in or opt out from the proceedings.	<p><i>consumers could exercise their right to opt in or opt out from the proceedings.</i></p> <p>Text Origin: Council Mandate</p>
Recital 15c				
6	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.	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
Recital 15d				
6	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 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	<p><i>(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 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</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			represented in that representative action in order to be bound by the outcome of the action.	<i>represented in that representative action in order to be bound by the outcome of the action.</i> <small>Text Origin: Council Mandate</small>
Recital 15e				
24e			(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 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.	<i>(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 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.</i> <small>Text Origin: Council Mandate</small>
Recital 15f				
24f			(15e) For expediency and	<i>(15e) For expediency and</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>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>	<p><i>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.</i></p> <p>Text Origin: Council Mandate</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 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>	<p><i>(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 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.</i></p> <p>Text Origin: Council Mandate</p>
Recital 16				
25	(16) Qualified entities should be able to seek measures aimed at	(16) Qualified <b>representative</b> entities should be able to seek	deleted	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.  AM 11		
Recital 17				
26	(17) The compensation awarded to consumers harmed in a mass 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.	(17) The compensation awarded to consumers harmed in a mass 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.	deleted	deleted
Recital 18				
27	(18) Member States may require qualified entities to provide sufficient information to support a representative action for redress,	(18) Member States <del>may</del> <u>should</u> require qualified <u>representative</u> entities to provide sufficient information to support a	(18) Member States <del>may</del> <u>should</u> require qualified entities to provide sufficient information to support a representative action for redress,	(18) Member States <del>may</del> <u>should</u> require qualified entities to provide sufficient information to support a representative action for redress,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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 the nature of the infringement and characteristics of the damages suffered by consumers concerned.</p>	<p>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 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></p> <p>AM 12</p>	<p>including a description of the group of consumers <del>concerned</del><b>affected</b> 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 <del>an infringement</del><b>the action</b> in order to initiate <del>the action</del><b>it</b>. 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 the nature of the infringement and characteristics of the damages suffered by <b>the</b> consumers <del>concerned</del><b>affected</b>.</p>	<p>including a description of the group of consumers <del>concerned</del><b>affected</b> 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 <del>an infringement</del><b>the action</b> in order to initiate <del>the action</del><b>it</b>. 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 the nature of the infringement and characteristics of the damages suffered by <b>the</b> consumers <del>concerned</del><b>affected</b>.</p> <p>Text Origin: Council Mandate</p>
Recital 19				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
28	<p>(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 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</p>	<p style="text-align: center;">deleted</p> <p>AM 13</p>	<p style="text-align: center;">deleted</p>	<p style="text-align: center;">deleted</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	instead of a redress order in a particular case.			
	Recital 19a			
28a			<p><b>(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.</b></p> <p>Text Origin: Council Mandate</p>	<p><i>(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.</i></p>
	Recital 19b			
28b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><b>(19b) Member States should lay 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.</b></p>	<p><i>(19b) Member States should lay 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.</i></p> <p><small>Text Origin: Council Mandate</small></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 practice. For expediency and efficiency reasons, in these cases Member States in accordance with</p>	<p style="text-align: center;">deleted</p> <p><small>AM 14</small></p>	<p style="text-align: center;">deleted</p> <p><small>Moved to recital 15e</small></p>	<p style="text-align: center;">deleted</p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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 relevant public purpose, such as a consumer legal aid fund, awareness campaigns or consumer movements.</p>	<p>deleted</p> <p>AM 15</p>	<p>deleted</p>	<p>deleted</p>
Recital 22				
31				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>(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.<sup>1</sup></p> <p><sup>1</sup> OJ L 345, 27.12.2017.</p>	<p>(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.<sup>1</sup></p> <p><sup>1</sup> OJ L 345, 27.12.2017.</p>	<p>deleted</p>	<p>deleted</p>
<b>Recital 23</b>				
32	<p>(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</p>	<p>(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</p>	<p>deleted</p> <p>Moved to recital 15a</p>	<p>deleted</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p>been harmed by an infringement, such as the right to compensation for damages, contract termination, reimbursement, replacement, <b>removal</b>, 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.</p> <p>AM 16</p>		
Recital 24				
33	<p>(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 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.</p>	<p>(24) This Directive <b>aims at a minimum harmonisation and</b> does not replace existing national collective redress mechanisms. Taking into account their legal 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. <b><u>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</u></b></p>	<p>deleted</p> <p>Moved to recital 4a</p>	<p>deleted</p>

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		<p><u>redress or to implement them in a separate procedure.</u></p> <p>AM 17</p>		
Recital 25				
34	<p>(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 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</p>	<p>(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 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 <del>funding</del> <u>third party 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> <del>meet its financial commitments to the</del> <u>qualified entity</u>. 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</p>	<p>(25) Qualified entities should be fully transparent <b>to the court or administrative authority</b> 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 administrative authorities to assess whether <b>the third party funding, insofar as allowed in accordance with national law, complies with the conditions provided in this Directive and, whether</b> there may be a conflict of interest between the third party funder and the qualified entity and to avoid risks of abusive litigation <del>as well as to assess</del>. <b>or</b> whether the funding <b>by a third party has sufficient resources in order to meet its financial commitments to the qualified entity having an economic interest in the bringing or the outcome of the representative action for redress should not divert the action from the protection of the collective interests of consumers.</b> The information provided by the</p>	<p>(25) Qualified entities should be fully transparent <b>to the court or administrative authority</b> 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 administrative authorities to assess whether <b>the third party funding, insofar as allowed in accordance with national law, complies with the conditions provided in this Directive and, whether</b> there may be a conflict of interest between the third party funder and the qualified entity and to avoid risks of abusive litigation <del>as well as to assess</del>. <b>or</b> whether the funding <b>by a third party has sufficient resources in order to meet its financial commitments to the qualified entity having an economic interest in the bringing or the outcome of the representative action for redress should not divert the action from the protection of the collective interests of consumers.</b> The information provided by the qualified entity to the court or</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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 entity in a specific case.</p>	<p>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 <del>should</del> <b>must</b> 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.</p> <p><u><i>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.</i></u></p> <p>AM 18</p>	<p>qualified entity to the court or administrative authority <del>overseeing the representative action</del> should enable it to assess whether the third party may <b>unduly</b> influence procedural decisions of the qualified entity in the context of the representative action, including on settlements <b>in a way that would be detrimental to the collective interest of consumers concerned</b> 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. <del>If any of these circumstances is</del> <b>Direct funding of a specific representative action provided by a trader operating in the same market as the defendant should be considered as implying a conflict of interest since the competitor may have an economic interest in the outcome of the representative action, which is not the same as the consumers' interest. Indirect funding of the action by organizations funded through equal contributions by its members or through donations, including traders' donations in the framework of corporate social responsibility initiatives or crowdfunding, should be eligible for third party funding provided</b></p>	<p>administrative authority <del>overseeing the representative action</del> should enable it to assess whether the third party may <b>unduly</b> influence procedural decisions of the qualified entity in the context of the representative action, including on settlements <b>in a way that would be detrimental to the collective interest of consumers concerned</b> 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. <del>If any of these circumstances is</del> <b>Direct funding of a specific representative action provided by a trader operating in the same market as the defendant should be considered as implying a conflict of interest since the competitor may have an economic interest in the outcome of the representative action, which is not the same as the consumers' interest. Indirect funding of the action by organizations funded through equal contributions by its members or through donations, including traders' donations in the framework of corporate social responsibility initiatives or crowdfunding, should be eligible for third party funding provided that it complies with the requirements on transparency,</b></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>that it complies with the requirements on transparency, independence and absence of conflict of interests. If any conflicts of interests are confirmed, the court or administrative authority should be empowered to <del>require</del><b>take appropriate measures, such as requiring</b> the qualified entity to refuse <b>or change</b> the relevant funding and, if necessary, <del>reject</del><b>rejecting the legal</b> standing of the qualified entity <del>in</del> <b>or dismissing</b> a specific <del>case</del><b>action. Such a rejection or dismissal should not affect the rights of the consumers concerned by the action.</b></p> <p>Text Origin: CRP 17 June 2020</p>	<p><i>independence and absence of conflict of interests. If any conflicts of interests are confirmed, the court or administrative authority should be empowered to <del>require</del><b>take appropriate measures, such as requiring</b> the qualified entity to refuse <b>or change</b> the relevant funding and, if necessary, <del>reject</del><b>rejecting the legal</b> standing of the qualified entity <del>in</del> <b>or dismissing</b> a specific <del>case</del><b>action. Such a rejection or dismissal should not affect the rights of the consumers concerned by the action.</b></i></p> <p>Text Origin: CRP 17 June 2020</p>
Recital 26				
35	<p>(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.</p>	<p>(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.</p> <p>AM 19</p>	<p>(26) Collective <del>out-of-court</del> settlements aimed at providing redress to harmed consumers should be encouraged <del>both before the</del> <b>within a</b> representative action <del>is brought and at any stage of the representative action</del><b>for redress measures.</b></p>	<p>(26) Collective <del>out-of-court</del> settlements aimed at providing redress to harmed consumers should be encouraged <del>both before the</del> <b>within a</b> representative action <del>is brought and at any stage of the representative action</del><b>for redress measures.</b></p> <p>Text Origin: Council Mandate</p>
Recital 27				
36	<p>(27) Member States may provide that a qualified entity and a trader</p>	<p>(27) Member States may provide that a qualified entity and a trader</p>	<p>deleted</p>	<p>deleted</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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>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. <i>Individual consumers concerned shall be given the possibility to accept or to refuse to be bound by such a settlement.</i> <u>Settlements should be final and binding upon all parties.</u></p> <p>AM 20</p>		
Recital 28				
37	<p>(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-</p>	<p>(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-</p>	<p>(28) The court and administrative authority should <del>have the power</del> <b>be able</b> to invite the <del>infringing</del> trader and the qualified entity which brought the representative action <b>for redress</b> to enter into negotiations aimed at reaching a settlement on redress to be provided to consumers concerned. <del>The decision of whether to invite the parties to settle a</del></p>	<p>(28) The court and administrative authority should <del>have the power</del> <b>be able</b> to invite the <del>infringing</del> trader and the qualified entity which brought the representative action <b>for redress</b> to enter into negotiations aimed at reaching a settlement on redress to be provided to consumers concerned. <del>The decision of whether to invite the parties to settle a</del></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p>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.</p>	<p><del>dispute out of court should take into account the type of the infringement to which by 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.</del></p>	<p><i>dispute out of court should take into account the type of the infringement to which by 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.</i></p> <p>Text Origin: Council Mandate</p>
Recital 29				
38	<p>(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 court or administrative authority that issued the decision should be empowered to request the qualified entity and the trader to reach a collective settlement.</p>	<p style="text-align: center;">deleted</p> <p>AM 21</p>	<p style="text-align: center;">deleted</p>	<p style="text-align: center;">deleted</p>
Recital 30				
39	<p>(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</p>	<p>(30) Any out-of-court settlement reached within the context of a representative action <del>or based on a final declaratory decision</del> should be approved by the relevant court or the administrative authority to ensure its legality and fairness,</p>	<p>(30) Any <del>out of court</del> settlement reached within the context of a representative action <del>or based on a final declaratory decision</del> for redress should be approved by the relevant court or <b>administrative authority unless the conditions of the</b></p>	<p>(30) Any <del>out of court</del> settlement reached within the context of a representative action <del>or based on a final declaratory decision</del> for redress should be approved by the relevant court or <b>administrative authority unless the conditions of the</b></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p>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.</p> <p>AM 22</p>	<p>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 mandatory national law concerned shall be given the possibility to accept or to refuse to be bound by such a settlement.</p>	<p><i>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 mandatory national law concerned shall be given the possibility to accept or to refuse to be bound by such a settlement.</i></p> <p>Text Origin: Council Mandate</p>
Recital 30a				
6	39a		<p>(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.</p>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
Recital 30b				

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39b			(30b) Approved settlements should be binding upon the qualified entity, the trader and the individual consumers concerned. However, 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.	(30b) Approved settlements should be binding upon the qualified entity, the trader and the individual consumers concerned. However, 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 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.	(31) Ensuring that consumers are informed about a representative action is crucial for its success. Consumers should be informed of ongoing representative 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.	(31) Ensuring that consumers are informed about a representative action is crucial for its success. Consumers should be informed of <del>ongoing</del> <b>by qualified entities on their websites about the</b> representative action, <del>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</del> <b>actions they have decided to bring to the court or administrative authority, the state of play of actions they have already brought and the outcomes of such actions, to be enabled to take an informed decision on whether they wish to benefit from an action and to take the relevant steps in a timely manner.</b>	(31) Ensuring that consumers are informed about a representative action is crucial for its success. Consumers should be informed of <del>ongoing</del> <b>by qualified entities on their websites about the</b> representative action, <del>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</del> <b>actions they have decided to bring to the court or administrative authority, the state of play of actions they have already brought and the outcomes of such actions, to be enabled to take an informed decision on whether they wish to benefit from an action and to take the relevant steps in a timely manner. In particular, the information</b>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><b>In particular, the information should include, as relevant and appropriate, an explanation in intelligible language of the subject matter and of the possible or actual legal consequences of the representative action, the qualified entity's intention to bring the action, the description of the group of consumers concerned by the action as well as the necessary steps to be taken by the consumers concerned, particularly for obtaining <del>obtaining</del> including safeguarding the necessary evidence, in order to benefit, as relevant, from the injunctions or redress. The reputational risks associated with spreading information about the infringement are also important for deterring traders infringing consumer rights measures or the approved settlements as foreseen by this Directive. The information should be adequate and proportional to the circumstances of the case.</b></p>	<p><i>should include, as relevant and appropriate, an explanation in intelligible language of the subject matter and of the possible or actual legal consequences of the representative action, the qualified entity's intention to bring the action, the description of the group of consumers concerned by the action as well as the necessary steps to be taken by the consumers concerned, particularly for <del>obtaining</del> including safeguarding the necessary evidence, in order to benefit, as relevant, from the injunctions or redress. The reputational risks associated with spreading information about the infringement are also important for deterring traders infringing consumer rights measures or the approved settlements as foreseen by this Directive. The information should be adequate and proportional to the circumstances of the case.</i></p> <p><small>Text Origin: Council Mandate</small></p>
Recital 31a				
40a			<p><b>(31-a) Without prejudice to the information provided by the qualified entities, the consumers concerned should be informed about the ongoing representative</b></p>	<p><i>(31-a) Without prejudice to the information provided by the qualified entities, the consumers concerned should be informed about the ongoing representative</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>action for redress in order to be able to explicitly or tacitly express their will to be represented in such an action. 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.</p>	<p><i>action for redress in order to be able to explicitly or tacitly express their will to be represented in such an action. 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.</i></p>
Recital 31b				
40b			<p>(31a) Consumers should equally be informed of final decisions providing for injunction measures, redress measures or approved settlements, 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.</p> <p>Moved from recital 30</p>	<p><i>(31b) Consumers should equally be informed of final decisions providing for injunction measures, redress measures or approved settlements, 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.</i></p> <p>Text Origin: Council Mandate</p>
Recital 32				
41	(32) To be effective, the	(32) To be effective, the	(32) To be effective, the	(32) To be effective, the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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 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 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><del>The infringing trader should</del> adequately inform all consumers concerned of a final <u>decision concerning</u> injunction and redress <del>orders</del> 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 information may be provided for instance on the <del>trader's</del> website, social media, online market places, or in popular newspapers, including those distributed exclusively by electronic means of communication. <del>If possible, consumers should be informed individually through electronic or paper letters.</del> 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>information <del>should be adequate and proportional to the circumstances of the case. The infringing trader</del><b>about the ongoing and concluded representative actions</b> 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<b>be adequate and proportional to the circumstances of the case.</b> Such information may be provided for instance on the <b>qualified entity's or the</b> trader's website, <b>in national electronic databases, on</b> social media, <b>on</b> online market places, or in popular newspapers, including those distributed exclusively by electronic means of communication. If possible <b>and appropriate</b>, 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 <del>should be adequate and proportional to the circumstances of the case. The infringing trader</del><b>about the ongoing and concluded representative actions</b> should <del>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</del><b>be adequate and proportional to the circumstances of the case.</b> Such information may be provided for instance on the <b>qualified entity's or the</b> trader's website, <b>in national electronic databases, on</b> social media, <b>on</b> online market places, or in popular newspapers, including those distributed exclusively by electronic means of communication. If possible <b>and appropriate</b>, 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</u></p>	<p><b>(32a) It should be for the infringing trader to inform, at its own expense, all consumers</b></p>	<p><b>(32a) It should be for the infringing trader to inform, at its own expense, all consumers</b></p>

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		<p><u>free of charge, which could further enhance the transparency obligations.</u></p> <p>AM 24</p>	<p>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. 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. It should be for the qualified entity to inform the consumers concerned about the final decisions on the rejection or dismissal of representative action for redress measures.</p> <p>Moved from recital 32</p>	<p><i>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. 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. It should be for the qualified entity to inform the consumers concerned about the final decisions on the rejection or dismissal of representative action for redress measures.</i></p>
Recital 32b				
41b			<p>(32b) Member States could set up a publicly available national electronic database in the form of a website providing for the information on the qualified entities designated in advance for the purpose of bringing domestic</p>	<p><i>(32b) Member States could set up a publicly available national electronic database in the form of a website providing for the information on the qualified entities designated in advance for the purpose of bringing domestic and</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			and cross-border actions and general information on ongoing and concluded representative actions.	<i>cross-border actions and general information on ongoing and concluded representative actions.</i>
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 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>(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 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 not be relitigated in subsequent legal actions related to the same infringement by the same trader as regards the nature of the</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 <b>Member States should ensure that a final decision of a court or an administrative authority of any Member State on the existence</b> 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 <b>harming collective interests of consumers can be used by both parties as evidence in the context of any other actions seeking redress before their national courts or administrative authorities against the same trader as regards the nature of the</b> for the same infringement and its material, personal, temporal and territorial scope as determined by</p>	<p><i>(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 <b>Member States should ensure that a final decision of a court or an administrative authority of any Member State on the existence</b> 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 <del>harming</del> <b>harming collective interests of consumers can be used by both parties as evidence in the context of any other actions seeking redress before their national courts or administrative authorities against the same <del>infringement by</del> trader for the same trader as regards the nature</b> <del>infringement</del>. <b>In line with the independence of the infringement and its material, personal, temporal</b></i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><del>infringement and its material, personal, temporal and territorial scope as determined by that final decision.</del> 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 <del>a rebuttable presumption</del> <u>an evidence</u> that the infringement has <u>or has not</u> occurred <u>in related cases</u>. <u>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 redress before their national courts in another Member State against the same trader for the same infringement shall be considered as a rebuttable presumption.</u></p> <p>AM 25</p>	<p>that final decision. Where an action seeking measures eliminating the continuing effects. <b>In line with the independence</b> 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 <b>judiciary and the free evaluation of evidence, this</b> should constitute a rebuttable presumption that the infringement has occurred <b>be without prejudice to national law on evaluation of evidence.</b></p>	<p><del>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 judiciary and the free evaluation of evidence, this</del> should constitute a rebuttable presumption that the infringement has occurred <b>be without prejudice to national law on evaluation of evidence.</b></p> <p>Text Origin: CRP 17 June 2020</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	(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	deleted	deleted



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	should be available through expedient and simplified procedures.	should be available through expedient and simplified procedures.		
	Recital 35			
44	<p>(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 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>(35) Actions for redress based on the establishment of an infringement by a final injunction order <del>or by a final declaratory decision</del> regarding the liability of the trader towards the harmed consumers under this Directive should not be hindered by national rules on limitation periods. The 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>(35) <b>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 measure that may arise 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</b></p>	<p>(35) <i>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 measure that may arise 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</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><b>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 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.</b></p>	<p><i>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 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.</i></p> <p><small>Text Origin: Council Mandate</small></p>
Recital 35a				
44a			<p><b>(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</b></p>	<p><i>(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</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			applicable prior to [date of application of the Directive] to redress claims based on infringements that occurred before that date.	to [date of application of the Directive] to redress claims based on infringements that occurred before that date.  Text Origin: Council Mandate
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 <del>orders</del> <b>measures</b> should be treated with due procedural expediency. <b>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</b> in order to prevent any or further harm caused by the infringement.	(36) Representative actions for injunction <del>orders</del> <b>measures</b> should be treated with due procedural expediency. <b>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</b> in order to prevent any or further harm caused by the infringement.  Text Origin: Council Mandate
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	(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	(37) Evidence is an important element for establishing whether a <del>given practice constitutes an infringement of law, whether there is a risk of its repetition, for determining the consumers concerned by an infringement,</del> <b>deciding on representative action for injunctions or redress and</b>	(37) Evidence is an important element for establishing whether a <del>given practice constitutes an infringement of law, whether there is a risk of its repetition, for determining the consumers concerned by an infringement,</del> <b>deciding on representative action for injunctions or redress and</b>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>representative action about the ongoing 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>representative action about the ongoing 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><del>adequately informing consumers concerned by a representative action about the ongoing proceedings and its final outcomes</del> <b>is well founded.</b> However, business-to-consumer relationships are <b>often</b> characterised by information asymmetry and the necessary <del>information</del> <b>evidence</b> may be held exclusively by the trader, making it inaccessible to the qualified entity. Qualified entities should therefore <del>be afforded</del> <b>have</b> the right to request <del>to</del> the competent court or administrative authority <b>to order</b> the disclosure by the trader of evidence relevant to their claim. <b>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</b> <del>or needed for adequately informing consumers concerned about the representative action, without it being necessary for them to specify individual items of evidence.</del> The need, scope and proportionality of <del>such</del> <b>the disclosure of evidence</b> should <b>in accordance with national procedural law</b> 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</p>	<p><del>adequately informing consumers concerned by a representative action about the ongoing proceedings and its final outcomes</del> <b>is well founded.</b> However, business-to-consumer relationships are <b>often</b> characterised by information asymmetry and the necessary <del>information</del> <b>evidence</b> may be held exclusively by the trader, making it inaccessible to the qualified entity. Qualified entities should therefore <del>be afforded</del> <b>have</b> the right to request <del>to</del> the competent court or administrative authority <b>to order</b> the disclosure by the trader of evidence relevant to their claim. <b>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</b> <del>or needed for adequately informing consumers concerned about the representative action, without it being necessary for them to specify individual items of evidence.</del> The need, scope and proportionality of <del>such</del> <b>the disclosure of evidence</b> should <b>in accordance with national procedural law</b> 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</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			rules on confidentiality.	rules on confidentiality. <small>Text Origin: Council Mandate</small>
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 <del>non-compliance with a final decision issued within the representative action</del> <b>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 applied to a refusal to comply with an order to disclose evidence.</b>	(38) In order to ensure the effectiveness of the representative actions, infringing traders should face effective, dissuasive and proportionate penalties for <del>non-compliance with a final decision issued within the representative action</del> <b>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 applied to a refusal to comply with an order to disclose evidence.</b> <small>Text Origin: Council Mandate</small>
Recital 39				
48	(39) Having regard to the fact that	(39) Having regard to the fact that	(39) Having regard to the fact that	(39) Having regard to the fact that

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p>representative actions pursue a public interest by protecting the collective interests of consumers, Member States should ensure that qualified <b>representative</b> entities are not prevented from bringing representative actions under this Directive because of the costs involved with the procedures.</p> <p><b><u>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.</u></b></p> <p>AM 27</p>	<p>representative actions pursue a public interest by protecting the collective interests of consumers, Member States should <del>ensure</del> <b>maintain or aim to find means for the purpose of ensuring</b> that qualified entities are not prevented from bringing representative actions under this Directive <del>due to</del> <del>because of</del> the costs involved with the procedures. <b>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, including structural support or other means of support. However, Member States should not be required to finance representative actions.</b></p>	<p>representative actions pursue a public interest by protecting the collective interests of consumers, Member States should <del>ensure</del> <b>maintain or aim to find means for the purpose of ensuring</b> that qualified entities are not prevented from bringing representative actions under this Directive <del>due to</del> <del>because of</del> the costs involved with the procedures. <b>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, including structural support or other means of support. However, Member States should not be required to finance representative actions.</b></p>
	Recital 39a			
48a		<p><b><u>(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</u></b></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>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.</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 qualified entities across the Union in order to increase the use of representative actions with cross-border implications.</p>	<p>(40) Cooperation and exchange of information, <u>good practices and experience</u> between qualified <u>representative</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 and cooperation measures to a larger number of qualified <u>representative</u> entities across the Union in order to increase the use of representative actions with cross-border implications.</p> <p>AM 29</p>	<p>(40) Cooperation and exchange of information between qualified entities from different Member States have proven to be useful in addressing <b>in particular</b> cross-border infringements. There is a need for continuing and expanding the capacity-building and cooperation measures to a larger number of qualified entities across the Union in order to increase the use of representative actions with cross-border implications.</p>	<p>(40) Cooperation and exchange of information between qualified entities from different Member States have proven to be useful in addressing <b>in particular</b> cross-border infringements. There is a need for continuing and expanding the capacity-building and cooperation measures to a larger number of qualified entities across the Union in order to increase the use of representative actions with cross-border implications.</p> <p>Text Origin: Council Mandate</p>
	Recital 40a			
49a			<p><b>(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</b></p>	<p><b>(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</b></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>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 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>	<p><i>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 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.</i></p> <p><small>Text Origin: Council Mandate</small></p>

Recital 41



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 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.	(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 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.	deleted	deleted
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		<i>(41a) The Commission should draw up a report, accompanied if appropriate by a relevant proposal, assessing whether cross-border representative actions could be best addressed at Union level by establishing an European Ombudsman for collective redress.</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 42				
51	(42) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of 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.	(42) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of 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.	(42) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of 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.	(42) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of 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.  <i>Text Origin: Commission Proposal</i>
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').	(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').  <i>Text Origin: Commission Proposal</i>
Recital 44				
53	(44) The objectives of this Directive, namely establishing a representative action mechanism for the protection of the collective	(44) The objectives of this Directive, namely establishing a representative action mechanism for the protection of the collective	(44) The objectives of this Directive, namely <del>establishing</del> <b>ensuring that</b> a representative action mechanism for	(44) The objectives of this Directive, namely <del>establishing</del> <b>ensuring that</b> a representative action mechanism for

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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 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.</p>	<p>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 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.</p>	<p><b>the purpose of both injunction and redress measures is established in all Member States for the</b> protection of the collective interests of consumers in order to ensure a high level of consumer protection across the Union and the <del>proper</del> 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 <del>representative actions</del> <b>infringements</b>, 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.</p>	<p><i>the purpose of both injunction and redress measures is established in all Member States for the</i> protection of the collective interests of consumers in order to ensure a high level of consumer protection across the Union and the <del>proper</del> 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 <del>representative actions</del> <b>infringements</b>, 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.</p> <p><small>Text Origin: Council Mandate</small></p>
	Recital 45			
54	<p>(45) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents<sup>1</sup>, Member States have undertaken to accompany, in justified cases, the notification of</p>	<p>(45) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents<sup>1</sup>, Member States have undertaken to accompany, in justified cases, the notification of</p>	<p>(45) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents<sup>†</sup>, Member States have undertaken to accompany, in justified cases, the notification of</p>	<p>(45) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents<sup>‡</sup>, Member States have undertaken to accompany, in justified cases, the notification of</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>their transposition measures with one or more 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.</p> <p>1. OJ C 369, 17.12.2011, p. 14.</p>	<p>their transposition measures with one or more 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.</p> <p>1. OJ C 369, 17.12.2011, p. 14.</p>	<p>their transposition measures with one or more 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.</p> <p>1. OJ C 369, 17.12.2011, p. 14.</p>	<p>their transposition measures with one or more 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.</p> <p>1. OJ C 369, 17.12.2011, p. 14.</p>
	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.	(46) It is appropriate to provide rules for the temporal application of this Directive.  Text Origin: Commission Proposal
	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,	(47) Directive 2009/22/EC should therefore be repealed,  Text Origin: Commission Proposal
	Formula			
57	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Chapter 1				
58	Chapter 1 Subject matter, scope and definitions	Chapter 1 Subject matter, scope and definitions	Chapter 1 Subject matter, scope and definitions	Chapter 1 Subject matter, scope and definitions  Text Origin: Commission Proposal
Article 1				
59	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter  Text Origin: Commission Proposal
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 <del>enabling qualified entities to seek</del> <b>ensuring that</b> representative actions aimed at the protection of the collective interests of consumers <b>are available in all Member States</b> , while <del>ensuring</del> <b>providing</b> appropriate safeguards to avoid abusive litigation. <b>The purpose of this Directive is, through the achievement of a high level of consumer protection, to contribute to the proper functioning of the internal market by approximating</b>	1. This Directive sets out rules <del>enabling qualified entities to seek</del> <b>ensuring that</b> representative actions aimed at the protection of the collective interests of consumers <b>are available in all Member States</b> , while <del>ensuring</del> <b>providing</b> appropriate safeguards to avoid abusive litigation. <b>The purpose of this Directive is, through the achievement of a high level of consumer protection, to contribute to the proper functioning of the internal market by approximating</b>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>certain aspects of the laws, regulations and administrative provisions of the Member States concerning representative actions. To this end, this Directive also aims to improve consumers access to justice.</p>	<p><i>certain aspects of the laws, regulations and administrative provisions of the Member States concerning representative actions. To this end, this Directive also aims to improve consumers access to justice.</i></p>
Article 1(2)				
61	<p>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.</p>	<p>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 <del>other persons concerned</del> <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></p> <p>AM 32</p>	<p>2. This Directive shall not prevent Member States from adopting or maintaining in force <del>provisions designed to grant qualified entities or any other persons concerned other procedural means</del> <b>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, which allows qualified entities to bring representative actions aimed at the protection of the collective interests of consumers at national level for the purpose of both injunction and redress measures, complies with this Directive. The implementation of this Directive shall not constitute grounds for the reduction of consumer protection in fields covered by the scope of Union law listed in Annex I.</b></p>	<p>2. This Directive shall not prevent Member States from adopting or maintaining in force <del>provisions designed to grant qualified entities or any other persons concerned other procedural means</del> <b>procedural means aimed at the protection of the collective interests of consumers at national level. However, Member States shall ensure that at least one representative action mechanism, which allows qualified entities to bring representative actions aimed at the protection of the collective interests of consumers at national level for the purpose of both injunction and redress measures, complies with this Directive. The implementation of this Directive shall not constitute grounds for the reduction of consumer protection in fields covered by the scope of Union law listed in Annex I.</b></p>

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	Article 1(2a)			
61a		<p><u>2a. <i>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.</i></u></p> <p><u>AM 53</u></p>	<p>2a. The qualified entities shall be free to choose any procedural means available to them under national or Union law ensuring the protection of the collective interests of consumers.</p>	<p><i>2a. The qualified entities shall be free to choose any procedural means available to them under national or Union law ensuring the protection of the collective interests of consumers.</i></p> <p>Text Origin: CRP 17 June 2020</p>
	Article 2			
62	Article 2 Scope	Article 2 Scope	Article 2 Scope	Article 2 Scope
	Article 2(1)			
63	<p>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 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</p>	<p>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 listed in Annex I that <del>harm or may harm</del> <u>protect</u> the collective interests of consumers. It shall apply to domestic and cross-border infringements, including where those infringements have ceased before the</p>	<p>1. This Directive shall apply to representative actions brought against infringements by traders of provisions of the Union law listed in Annex I, <b>also as transposed into national law</b>, that harm or may harm the collective interests of consumers. <b>This Directive is without prejudice to the Union law listed in Annex I.</b> It shall apply to domestic and cross-border</p>	<p>1. This Directive shall apply to representative actions brought against infringements by traders of provisions of the Union law listed in Annex I, <b>also as transposed into national law</b>, that harm or may harm the collective interests of consumers. <b>This Directive is without prejudice to the Union law listed in Annex I.</b> It shall apply to domestic and cross-border infringements, including</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	representative action has been concluded.	representative action has started or before the representative action has been concluded.  AM 33	infringements, including where those infringements have ceased before the representative action has started or before the representative action has been concluded.	where those infringements have ceased before the representative action has started or before the representative action has been concluded.  Text Origin: Council Mandate
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.	2. This Directive shall not affect rules establishing contractual and non-contractual remedies available to consumers for such infringements under Union or national law.  Text Origin: Commission Proposal
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 judgments in civil and commercial matters and rules on the law applicable to contractual and non-contractual obligations, which apply to the representative actions set out by this Directive</u> <del>and applicable law.</del>	3. This Directive is without prejudice to the Union rules on private international law, in particular rules related to court jurisdiction and <b>the recognition and enforcement of judgments in civil and commercial matters and rules on the law applicable law to contractual and non-contractual obligations.</b>	3. This Directive is without prejudice to the Union rules on private international law, in particular rules related to court jurisdiction <b>and the recognition and enforcement of judgments in civil and commercial matters and rules on the law applicable to contractual and non-contractual obligations and applicable law.</b>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 34		
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				
66	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions Text Origin: Commission Proposal
Article 3, first paragraph, introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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:	For the purposes of this Directive, the following definitions shall apply:  Text Origin: Commission Proposal
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 <b>that person's</b> <del>their</del> trade, business, craft or profession;	(1) ‘consumer’ means any natural person who is acting for purposes which are outside <b>that person's</b> <del>their</del> trade, business, craft or profession;  Text Origin: Council Mandate
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	(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	(2) ‘trader’ means any natural person or any legal person, irrespective of whether privately or publicly owned, who is acting <u><i>in a civil capacity under the rules of civil law</i></u> , including through any	(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 <b>that person's</b> <del>their</del> name	(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 <b>that person's</b> <del>their</del> name

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	behalf, for purposes relating to their trade, business, craft or profession;	other person acting in their name or on their behalf, for purposes relating to their trade, business, craft or profession;  AM 38	or on <b>that person's</b> <del>their</del> behalf, for purposes relating to <b>that person's</b> <del>their</del> trade, business, craft or profession;	or on <i>that person's</i> <del>their</del> behalf, for purposes relating to <i>that person's</i> <del>their</del> trade, business, craft or profession;  Text Origin: Council Mandate
Article 3(1), point(3)				
6	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 <b>general interest of consumers and, in particular for the purpose of redress measures, the</b> interests of a <del>number</del> <b>group</b> of consumers;	(3) 'collective interests of consumers' means the <i>general interest of consumers and, in particular for the purpose of redress measures, the</i> interests of a <del>number</del> <b>group</b> of consumers;  Text Origin: Council Mandate
Article 3(1), point(4)				
6	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 <del>to which the</del> <b>that is brought by a qualified entity as a claimant party on behalf of</b> consumers <del>concerned are not parties</del> <b>aiming at an injunction measure or a redress measure, or both;</b>	(4) 'representative action' means an action for the protection of the collective interests of consumers <del>to which the</del> <b>that is brought by a qualified entity as a claimant party on behalf of</b> consumers <del>concerned are not parties</del> <b>aiming at an injunction measure or a redress measure, or both;</b>  .
Article 3, first paragraph, point(4a)				
6	71a		<b>(4a) 'domestic representative</b>	<i>(4a) 'domestic representative</i>

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			action' means a representative action brought by a qualified entity in the Member State in which the qualified entity is designated;	<i>action' means a representative action brought by a qualified entity in the Member State in which the qualified entity is designated;</i>  Text Origin: Council Mandate
Article 3, first paragraph, point(4b)				
6 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;	<i>(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;</i>  Text Origin: Council Mandate
Article 3(1), point(5)				
6 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;	(5) 'practice' means any act or omission by a trader;  Text Origin: Commission Proposal
Article 3(1), point(6)				
6 73	(6) 'final decision' means a decision by a Member State's court that cannot or can no longer be appealed	(6) 'final decision' means a decision by a Member State's court that cannot or can no longer be appealed	(6) 'final decision' means a decision by a Member State's court <del>that cannot or can no longer be appealed</del>	(6) 'final decision' means a decision by a Member State's court <del>that cannot or can no longer be appealed</del>

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	or a decision by an administrative authority that can no longer be subject to judicial review.	or a decision by an administrative authority that can no longer be subject to judicial review.	<del>or a decision by an</del> administrative authority that <b>cannot or</b> can no longer be <b>reviewed by ordinary means of appeal</b> <del>subject to judicial review.</del>	<del>or a decision by an</del> administrative authority that <b>cannot or</b> can no longer be <b>reviewed by ordinary means of appeal</b> <del>subject to judicial review.</del>  Text Origin: Council Mandate
Article 3, first paragraph, point(6a)				
6	73a	<u>(6a) “consumer law” means Union and national law adopted to protect consumers.</u>  AM 40		
Article 3, first paragraph				
6	73b		(3a) ‘qualified entity’: means any organisation or public body representing consumers’ interests which has been designated by a Member State as qualified in accordance with this Directive to bring representative actions.	(3a) ‘qualified entity’: means any organisation or public body representing consumers’ interests which has been designated by a Member State as qualified in accordance with this Directive to bring representative actions.  .
Chapter 2				
6	74	Chapter 2 Representative actions	Chapter 2 Representative actions	Chapter 2 Representative actions  Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4				
75	Article 4 Qualified entities	Article 4 Qualified <u>representative</u> entities <small>AM 41</small>	Article 4 Qualified entities	Article 4 Qualified entities <small>Text Origin: Commission Proposal</small>
Article 4(1), first subparagraph				
76	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 <del>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</del> <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> <small>AM 42</small>	1. Member States shall ensure that representative actions can be brought by qualified entities designated, <del>at their request,</del> by the Member States <del>in advance</del> <b>or their courts</b> 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, <del>at their request,</del> by the Member States <del>in advance</del> <b>and placed in a publicly available list.</b>
Article 4(2)				
76a			2. Member States shall ensure that entities, in particular consumer organisations, including those representing members from more than one Member State, are eligible to be designated for the status of qualified entity for the purpose of bringing domestic representative actions or cross-	2. <i>Member States shall ensure that entities, in particular consumer organisations, including those representing members from more than one Member State, are eligible to be designated for the status of qualified entity for the purpose of bringing domestic representative actions or cross-border</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			border representative actions, or both.	<i>representative actions, or both.</i>
	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	3. Member States shall designate an entity, <b>at its request, as a</b> <del>as</del> qualified entity <b>for the purpose of bringing cross-border representative actions</b> , if it complies with <b>all of</b> the following criteria:	3. Member States shall designate an entity, <i>at its request, as a</i> <del>as</del> qualified entity <i>for the purpose of bringing cross-border representative actions</i> , if it complies with <i>all of</i> the following criteria:  Text Origin: Council Mandate
	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;	(a) it is <b>a legal person</b> properly constituted according to the law of <del>the</del> Member State <b>of its designation and can demonstrate 12 months of actual public activity in the protection of consumer interests prior to its designation request;</b>	(a) it is <i>a legal person</i> properly constituted according to the law of <del>the</del> Member State <i>of its designation and can demonstrate 12 months of actual public activity in the protection of consumer interests prior to its designation request;</i>
	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) <del>it has a</del> <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	(b) <b>its statutory purpose demonstrates that</b> it has a legitimate interest in <del>ensuring that</del> provisions of <b>protecting consumer interests as provided by</b> Union law covered by this Directive <del>are</del> <b>complied with;</b>	(b) <i>its statutory purpose demonstrates that</i> it has a legitimate interest in <del>ensuring that</del> provisions of <i>protecting consumer interests as provided by</i> Union law covered by this Directive <del>are complied with;</del>

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		this Directive are complied with; AM 43		.
Article 4(1), second subparagraph, point(c)				
6	80 (c) it has a non-profit making character.	(c) it has a non-profit making character.	(c) it has a non-profit making character—;	(c) it has a non-profit making character—; Text Origin: Commission Proposal
Article 4(3), point(d)				
6	80a		(d) it is not subject to insolvency procedure or declared insolvent;	(d) <i>it is not subject to insolvency procedure or declared insolvent;</i>
Article 4(1), second subparagraph, point(cb)				
6	80b	<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> AM 44		
Article 4(1), second subparagraph, point(cc)				
6	80c	<u>(cb) it does not have financial agreements with plaintiff law firms beyond a normal service contract;</u>		



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		AM 45		
Article 4(1), second subparagraph, point(cd)				
80d		<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>	<p>(e) it is independent and not influenced by 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, to that end, has established procedures preventing such influence as well as conflict of interest between itself, its funders and consumer interest;</p>	<p><i>(e) it is independent and not influenced by 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, to that end, has established procedures preventing such influence as well as conflict of interest between itself, its funders and consumer interest;</i></p> <p>Text Origin: CRP 17 June 2020</p>
Article 4(1), second subparagraph a				
80e		<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> <p>AM 47</p>	<p>(f) it discloses publicly by any appropriate means, in particular on its website, in plain and intelligible language, information demonstrating compliance with the above listed criteria and information about the sources of its funding in general, its organizational, management and membership structure, objectives and activities.</p>	<p><i>(f) it discloses publicly by any appropriate means, in particular on its website, in plain and intelligible language, information demonstrating compliance with the above listed criteria and information about the sources of its funding in general, its organizational, management and membership structure, objectives and activities.</i></p>
Article 4(4), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
80f			<p><b>4. Member States shall ensure that the criteria they use to designate an entity as a qualified entity for the purpose of bringing domestic representative actions are consistent with the objectives of this Directive to make effective and efficient functioning of such actions.</b></p>	<p><i>4. Member States shall ensure that the criteria they use to designate an entity as a qualified entity for the purpose of bringing domestic representative actions are consistent with the objectives of this Directive to make effective and efficient functioning of such actions.</i></p> <p>Text Origin: CRP 17 June 2020</p>
Article 4(4), second subparagraph				
80g			<p><b>5. Member States may decide that the criteria set out in paragraph 3 apply also to the designation of qualified entities for the purpose of bringing domestic representative actions.</b></p>	<p><i>5. Member States may decide that the criteria set out in paragraph 3 apply also to the designation of qualified entities for the purpose of bringing domestic representative actions.</i></p> <p>Text Origin: Council Mandate</p>
Article 4(5)				
80h				
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	Member States shall assess on a regular basis whether a qualified <b>representative</b> entity continues to comply with these criteria. Member States shall ensure that the qualified	<p>deleted</p> <p>Moved to Article 4a, paragraph 4</p>	<p>deleted</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	its status under this Directive if it no longer complies with one or more of the criteria listed in the first subparagraph.	<u>representative</u> 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		
Article 4(1), third subparagraph a				
g	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				
g	81b	<u>The Commission shall publish the list of representative entities received from the Member States on a publicly accessible online portal.</u>  AM 47		
Article 4(1a)				
g	81c	<u>1a. Member States may provide that public bodies already designated before the entry into force of this Directive in</u>		

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		<p><u>accordance with national law shall remain eligible for the status of representative entity within the meaning of this Article.</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><b>26.</b> Member States may designate a qualified entity, <b>at its own request</b>, on an ad hoc basis for <b>the purpose of bringing</b> a particular <b>domestic</b> representative action, <del>at its request</del>, if it complies with the criteria referred to in paragraph 1 <b>for qualified entities as provided for in national law.</b></p>	<p><b>26.</b> Member States may designate a qualified entity, <b>at its own request</b>, on an ad hoc basis for <b>the purpose of bringing</b> a particular <b>domestic</b> representative action, <del>at its request</del>, if it complies with the criteria referred to in paragraph 1 <b>for qualified entities as provided for in national law.</b></p>
Article 4(3)				
83	<p>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.</p>	<p>3. Member States shall ensure that <u>consumer organisations meeting the criteria listed in paragraph 1 and in particular consumer organisations and independent</u> 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.</p>	<p><del>37. Member States shall ensure that in particular consumer organisations and independent</del> <b>Notwithstanding paragraphs 3 and 4, Member States may designate</b> public bodies <del>are eligible as</del> <b>qualified entities</b> for the status of qualified entity <b>purpose of bringing representative actions.</b> Member States may <del>designate</del> <b>provide that public bodies already designated</b> as qualified entities <del>consumer organisations that represent</del></p>	<p><del>37. Member States shall ensure that in particular consumer organisations and independent</del> <b>Notwithstanding paragraphs 3 and 4, Member States may designate</b> public bodies <del>are eligible as</del> <b>qualified entities</b> for the status of qualified entity <b>purpose of bringing representative actions.</b> Member States may <del>designate</del> <b>provide that public bodies already designated</b> as qualified entities <del>consumer organisations that</del></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 50	members from more than one Member State in the meaning of Directive 2009/22/EC shall remain eligible as qualified entities.	represent members from more than one Member State in the meaning of Directive 2009/22/EC shall remain eligible as qualified entities.  Text Origin: Council Mandate
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	deleted
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 accordance with Article 5(1).	5. The compliance by a qualified entity with the criteria referred to in paragraph 1 is without prejudice to the <del>right</del> <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 accordance with Article <u>4 and Article 5(1)</u> . <del>5(1)</del> .  AM 52	deleted	deleted
Article 4-a				
85a			<b>Article 4-a Information and monitoring of qualified entities</b>	<b>Article 4-a Information and monitoring of qualified entities</b>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 4-a(1), first subparagraph				
85b			<p><b>1. Member States shall communicate to the Commission a list of the qualified entities designated in advance for the purpose of bringing cross-border representative actions, including the name and purpose of those qualified entities 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.</b></p>	<p><i>1. Member States shall communicate to the Commission a list of the qualified entities designated in advance for the purpose of bringing cross-border representative actions, including the name and purpose of those qualified entities 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.</i></p> <p>Text Origin: Council Mandate</p>
Article 4-a(1), second subparagraph				
85c			<p><b>The Commission shall make a compiled list of these qualified entities publicly available. The list shall be updated whenever changes are communicated to the Commission.</b></p>	<p><i>The Commission shall make a compiled list of these qualified entities publicly available. The list shall be updated whenever changes are communicated to the Commission.</i></p>
Article 4-a(2)				
85d			<p><b>2. Member States shall ensure that information on qualified entities designated in advance for</b></p>	<p><i>2. Member States shall ensure that information on qualified entities designated in advance for the</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the purpose of bringing domestic representative actions is made available to the public.	<i>purpose of bringing domestic representative actions is made available to the public.</i> <small>Text Origin: Council Mandate</small>
Article 4-a(3)				
6	85e		<b>3. Member States shall assess at least every five years whether qualified entities continue to comply with the criteria referred to in Article 4(3). Member States shall ensure that the qualified entity loses its status if it no longer complies with one or more of the criteria.</b>	<i>3. Member States shall assess at least every five years whether qualified entities continue to comply with the criteria referred to in Article 4(3). Member States shall ensure that the qualified entity loses its status if it no longer complies with one or more of the criteria.</i> <small>Text Origin: Council Mandate</small>
Article 4-a(4)				
6	85f		<b>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(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. The defendant trader shall have the possibility within a representative action to raise concerns to the court or administrative authority</b>	<i>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(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. The defendant trader shall have the possibility within a representative action to raise concerns to the court or administrative authority regarding the compliance by a</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			regarding the compliance by a qualified entity with the criteria laid down in Article 4(3), if justified doubts arise.	<i>qualified entity with the criteria laid down in Article 4(3), if justified doubts arise.</i>
Article 4-a(5)				
6	85g		5. Member States shall designate national contact points for the purpose of paragraph 4 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 available to the Member States.	5. <i>Member States shall designate national contact points for the purpose of paragraph 4 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 available to the Member States.</i>  Text Origin: Council Mandate
Article 4b				
6	85z		<b>Article 4b</b> <b>Bringing of cross-border representative actions</b>	<i>Article 4b</i> <i>Bringing of cross-border representative actions</i>  Text Origin: Council Mandate
Article 4b(1)				
6	85aa		<b>1. Member States shall ensure that cross-border representative actions can be brought in their courts or administrative</b>	<i>1. Member States shall ensure that cross-border representative actions can be brought in their courts or administrative authorities by</i>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>authorities by qualified entities designated in advance for the purpose of such representative actions in another Member State.</p>	<p><i>qualified entities designated in advance for the purpose of such representative actions in another Member State.</i></p> <p>Text Origin: Council Mandate</p>
Article 4b(2)				
6	85ab		<p>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 Member States for the protection of the collective interest of consumers from different Member States.</p> <p>Moved from Article 16, paragraph 2</p>	<p><i>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 Member States for the protection of the collective interest of consumers from different Member States.</i></p> <p>Text Origin: CRP 17 June 2020</p>
Article 4b(3)				
6	85ac		<p>3. The courts or administrative authorities shall accept the list referred to in Article 4-a(1) as proof of the legal standing of the qualified entity to bring a cross-border representative action,</p>	<p><i>3. The courts or administrative authorities shall accept the list referred to in Article 4-a(1) as proof of the legal standing of the qualified entity to bring a cross-border representative action,</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			without prejudice to their right to examine whether the statutory purpose of the qualified entity justifies its taking action in a specific case.	<i>without prejudice to their right to examine whether the statutory purpose of the qualified entity justifies its taking action in a specific case.</i>
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 Representative actions <i>for the protection of the collective interests of consumers</i>  Text Origin: Council Mandate
Article 5(1)				
87	1. Member States shall ensure that representative actions can be 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.	1. Member States shall ensure that representative actions can be brought before national courts or administrative authorities <i>only</i> by qualified <i>representative</i> entities <i>designated in accordance with Article 4(1) and</i> 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	1. Member States shall ensure that representative actions <b>in accordance with Article 2</b> can be brought before national courts or administrative authorities by qualified entities <del>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</del> <b>designated in accordance with Article 4.</b>	1. Member States shall ensure that representative actions <b>in accordance with Article 2</b> can be brought before national courts or administrative authorities by qualified entities <del>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</del> <b>designated in accordance with Article 4.</b>  .
Article 5(1a)				
87a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>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.</i></u></p> <p>AM 53</p>		EP amendment moved to Article 1
Article 5(1b)				
g	87b	<p><u><i>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 same consumers.</i></u></p> <p>AM 53</p>		deleted
Article 5(1a)				
g	87c		<p><b>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.</b></p> <p>Moved from Article 6, paragraph 1</p>	<p><i>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.</i></p>
Article 5(1b)				
g	87d			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			1c. The courts or administrative authorities shall assess the admissibility requirements of a specific representative action in accordance with national law and the provisions laid down in this Directive.	1c. The courts or administrative authorities shall assess the admissibility requirements of a specific representative action in accordance with national law and the provisions laid down in this Directive.
	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 <del>bring</del> representative actions seeking <del>seek</del> , <b>as appropriate, at least</b> the following measures:	2. Member States shall ensure that qualified entities are entitled to <del>bring</del> representative actions seeking <del>seek</del> , <b>as appropriate, at least</b> the following measures:
	Article 5(2), first subparagraph, point(a)			
89	(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) <del>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</del> <b>measures</b> ;	(a) <del>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</del> <b>measures</b> ;  Text Origin: Council Mandate
	Article 5(2), first subparagraph, point(b)			
90	(b) an injunction order establishing	(b) an injunction order establishing		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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	deleted
Article 5(2), first subparagraph, point(ba)				
90a			<b>(ba) redress measures.</b>	<b>(ba) redress measures.</b> Text Origin: Council Mandate
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 consumers concerned or of intention or negligence on the part of the trader.	In order to seek injunction orders, qualified <b>representative</b> entities shall not have to obtain the mandate of the individual consumers concerned <del>or</del> <b>and</b> provide proof of actual loss or damage on the part of the consumers concerned or of intention or negligence on the part of the trader.  AM 55	deleted	deleted
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	3. Member States shall ensure that qualified <b>representative</b> entities are entitled to bring representative actions seeking measures eliminating the continuing effects of the infringement. <del>These measures shall be sought on the basis of any</del>	deleted	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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>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		
Article 5(4)				
93	4. Without prejudice to Article 4(4), Member States shall ensure that qualified entities are able to seek the measures eliminating the continuing effects of the infringement together with measures referred to in paragraph 2 within a single representative action.	deleted  AM 58	4. <del>Without prejudice to Article 4(4), Member States shall ensure that</del> <b>may enable</b> qualified entities <del>are able to</del> seek, <b>as appropriate the</b> <del>the</del> measures eliminating the continuing effects of the infringement together <del>with</del> measures referred to in paragraph 2 within a single representative action. <b>Member States may provide that these measures are issued within a single decision.</b>	4. <i>Without prejudice to Article 4(4), Member States shall ensure that</i> <b>may enable</b> qualified entities <i>are able to</i> seek, <i>as appropriate the</i> <del>the</del> <i>measures eliminating the continuing effects of the infringement together with</i> measures referred to in paragraph 2 within a single representative action. <b>Member States may provide that these measures are issued within a single decision.</b>
Article 5(4a)				
93a			<b>4a. Member States shall ensure that, within representative actions, consumers' interests are represented by qualified entities and that the entities have the rights and obligations of a party to the proceedings. The consumers</b>	<b>4a. Member States shall ensure that, within representative actions, consumers' interests are represented by qualified entities and that the entities have the rights and obligations of a party to the proceedings. The consumers</b>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			concerned by the action shall be entitled to benefit from the measures referred to in paragraph 2.	<i>concerned by the action shall be entitled to benefit from the measures referred to in paragraph 2.</i>  Text Origin: CRP 17 June 2020
Article 5				
6	93b		<b>6. Member States shall ensure that the court or administrative authority may decide to dismiss manifestly unfounded cases at the earliest possible stage of the proceedings in accordance with national law.</b>	<i>6. Member States shall ensure that the court or administrative authority may decide to dismiss manifestly unfounded cases at the earliest possible stage of the proceedings in accordance with national law.</i>
Article 5a				
6	93c	<u>Article 5a</u> <u>Registry of collective redress actions</u>  AM 59		
Article 5a(1)				
6	93d	<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>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 59		
Article 5a(2)				
93e		<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>		
Article 5a(3)				
93f		<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				
93g			<p><b>Article 5a</b> <b>Injunction measures</b></p>	<p><i>Article 5a</i> <i>Injunction measures</i></p> <p>Text Origin: Council Mandate</p>
Article 5a(1), introductory part				
93h				



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<b>1. The injunction measures referred to in Article 5(2)(a) are:</b>	<b>1. The injunction measures referred to in Article 5(2)(a) are:</b> <small>Text Origin: Council Mandate</small>
	Article 5a(1), point(a)			
G	93i		<b>(a) a provisional measure to cease or, where appropriate, to prohibit a practice deemed to constitute an infringement;</b>	<b>(a) a provisional measure to cease or, where appropriate, to prohibit a practice deemed to constitute an infringement;</b> <small>Text Origin: Council Mandate</small>
	Article 5a(1), point(b)			
G	93j		<b>(b) a definitive measure to cease or, where appropriate, to prohibit a practice that constitutes an infringement.</b>	<b>(b) a definitive measure to cease or, where appropriate, to prohibit a practice that constitutes an infringement.</b> <small>Text Origin: Council Mandate</small>
	Article 5a(1a), introductory part			
G	93k		<b>1a. A measure referred to in paragraph 1(b) may include, in accordance with national law:</b>	<b>1a. A measure referred to in paragraph 1(b) may include, in accordance with national law:</b> <small>Text Origin: Council Mandate</small>
	Article 5a(1a), point(a)			
G	93l		<b>(a) a measure to establish that the</b>	<b>(a) a measure to establish that the</b>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			practice constitutes an infringement;	<i>practice constitutes an infringement;</i> <small>Text Origin: Council Mandate</small>
Article 5a(1a), point(b)				
93m			(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.	<i>(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.</i> <small>Text Origin: Council Mandate</small>
Article 5a(2)				
93n			2. In order to seek an injunction measure, individual consumers concerned shall not be required to express their will to be represented by the qualified entity. The qualified entity shall not have to prove the actual loss or damage on the part of individual consumers affected by an infringement nor the intention or negligence on the part of the trader.	<i>2. In order to seek an injunction measure, individual consumers concerned shall not be required to express their will to be represented by the qualified entity. The qualified entity shall not have to prove the actual loss or damage on the part of individual consumers affected by an infringement nor the intention or negligence on the part of the trader.</i>
Article 5a(3)				
93o			3. Member States may introduce or maintain provisions of national	<i>3. Member States may introduce or maintain provisions of national law</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>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 Commission shall ensure that this information is publicly accessible.</p>	<p><i>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 Commission shall ensure that this information is publicly accessible.</i></p> <p><small>Text Origin: Council Mandate</small></p>
Article 5b				
6	93p		<p><b>Article 5b</b> <b>Redress measures</b></p>	<p><i>Article 5b</i> <i>Redress measures</i></p> <p><small>Text Origin: Council Mandate</small></p>
Article 5b(1)				
6	93q		<p><b>1. A redress measure shall oblige the trader to provide consumers concerned with remedies such as compensation, repair, replacement, price reduction,</b></p>	<p><i>1. A redress measure shall oblige the trader to provide consumers concerned with remedies such as compensation, repair, replacement, price reduction, contract</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			contract termination or reimbursement of the price paid, as appropriate and as available under Union or national law.	<i>termination or reimbursement of the price paid, as appropriate and as available under Union or national law.</i>
Article 5b(2)				
6	93r		2. Member States shall establish rules on how and at which stage of the representative action for redress measures the individual consumers concerned by the action may explicitly or tacitly express their will within the appropriate time limits, after that action has been 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.	2. <i>Member States shall establish rules on how and at which stage of the representative action for redress measures the individual consumers concerned by the action may explicitly or tacitly express their will within the appropriate time limits, after that action has been 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.</i>  Text Origin: CRP 17 June 2020
Article 5b(3)				
6	93s		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	3. <i>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</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			represented in that action in order to be bound by the outcome of the action.	<i>action in order to be bound by the outcome of the action.</i>  Text Origin: CRP 17 June 2020
Article 5b(3a)				
93t			<b>3a. Member States shall lay down rules to ensure that consumers who have explicitly or tacitly expressed their will to be represented in a representative action can neither be represented in other such actions with the same cause of action and against the same trader, nor be able to bring an individual action with the same cause of action and against the same trader. Member States shall also lay down rules to ensure that consumers do not receive compensation more than once for the same cause of action against the same trader.</b>	<i>3a. Member States shall lay down rules to ensure that consumers who have explicitly or tacitly expressed their will to be represented in a representative action can neither be represented in other such actions with the same cause of action and against the same trader, nor be able to bring an individual action with the same cause of action and against the same trader. Member States shall also lay down rules to ensure that consumers do not receive compensation more than once for the same cause of action against the same trader.</i>
Article 5b(4)				
93u			<b>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</b>	<i>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</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			consumers entitled to benefit from those remedies.	consumers entitled to benefit from those remedies.  Text Origin: CRP 17 June 2020
Article 5b(5)				
93v			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.	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.  Text Origin: Council Mandate
Article 5b(6)				
93w			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 recovered within the established time limits.	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 recovered within the established time limits.  Text Origin: CRP 17 June 2020
Article 5b(7)				
93x			10. The remedies provided by redress measures within a	10. The remedies provided by redress measures within a

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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.	<i>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.</i> .
Article 5b(8)				
93y			<b>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.</b>	<i>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.</i>  Text Origin: Council Mandate
Article 6				
94	Article 6 Redress measures	Article 6 Redress measures	deleted	deleted
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	1. For the purposes of Article 5(3), Member States shall ensure that qualified <b>representative</b> entities are entitled to bring representative	deleted	deleted  To be read as an addition to the agreed

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p>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 <del>a declaratory decision is made or</del> a redress order is issued.</p> <p>AM 60</p>		<p>text in row 93q.</p>
Article 6(1), first subparagraph a				
95a		<p><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 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.</i></u></p> <p>AM 61</p>		<p>deleted</p>
Article 6(1), second subparagraph				
96	<p>The qualified entity shall provide sufficient information as required under national law to support the</p>	<p>The qualified <u>representative</u> entity shall provide <u>all the necessary</u> <del>sufficient</del> information as required</p>	<p>deleted</p>	<p>deleted</p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	action, including a description of the consumers concerned by the action and the questions of fact and law to be resolved.	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.  AM 62	Moved to Article 5, paragraph 1	,
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 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.	deleted  AM 63	deleted	deleted
Article 6(3), introductory part				
98	3. Paragraph 2 shall not apply in the cases where:	deleted  AM 64	deleted	deleted
Article 6(3), point(a)				
99	(a) consumers concerned by the infringement are identifiable and	deleted	deleted	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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;	AM 64		
Article 6(3), point(b)				
100	(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.	<div style="border: 1px dashed black; padding: 2px; text-align: center;">deleted</div> AM 64	<div style="border: 1px dashed black; padding: 2px; text-align: center;">deleted</div>	<div style="border: 1px dashed black; padding: 2px; text-align: center;">deleted</div>
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 <del>paragraphs 1, 2 and 3</del> <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>	<div style="border: 1px dashed black; padding: 2px; text-align: center;">deleted</div>	<div style="border: 1px dashed black; padding: 2px; text-align: center;">deleted</div>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 65		
Article 6(4a)				
6	101a	<p><u>4a. The redress measures aim to grant consumers concerned full compensation for their loss. In 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)				
6	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				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
102	Article 7 Funding	Article 7 <i>Funding</i> <u>Admissibility of a representative action</u> AM 68	Article 7 Funding of representative actions for redress	Article 7 Funding of representative actions for redress Text Origin: Council Mandate
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> <del>declare at an early</del> stage of the action <u>a complete financial overview, listing all sources of</u> <del>the source of the</del> 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	deleted
Article 7(1)				
103a			<b>1. Member States shall ensure that, where a representative action for redress is funded by a third party, insofar as allowed in</b>	<b><i>1. Member States shall ensure that, where a representative action for redress is funded by a third party, insofar as allowed in accordance</i></b>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			accordance with national law, conflicts of interests are prevented and that the funding by a third party having an economic interest in the bringing or the outcome of the representative action for redress does not divert the action from the protection of the collective interests of consumers.	<i>with national law, conflicts of interests are prevented and that the funding by a third party having an economic interest in the bringing or the outcome of the representative action for redress does not divert the action from the protection of the collective interests of consumers.</i>  Text Origin: CRP 17 June 2020
Article 7(2), introductory part				
104	2. Member States shall ensure that in cases where a representative action for redress is funded by a third party, it is prohibited for the third party:	2. <del>Member States shall ensure that in cases where a</del> <u>The</u> representative action <del>for redress is funded by a third party, it is prohibited for</del> <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	2. Member States shall ensure that in cases where a representative action for redress is funded by a third party, it is prohibited for the third party <del>To that end, Member States shall in particular ensure that:</del>	2. <del>Member States shall ensure that in cases where a representative action for redress is funded by a third party, it is prohibited for the third party</del> <u>To that end, Member States shall in particular ensure that:</u>  Text Origin: Council Mandate
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) <del>to</del> 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	(a) <del>to influence</del> <u>the</u> decisions of <del>the</del> qualified <del>entity</del> <u>entities</u> in the context of a representative action, including on settlements, <b>are not unduly influenced by a third party in a way that would be detrimental to the collective interests of consumers concerned by the action;</b>	(a) <del>to influence</del> <u>the</u> decisions of <del>the</del> qualified <del>entity</del> <u>entities</u> in the context of a representative action, including on settlements, <b>are not unduly influenced by a third party in a way that would be detrimental to the collective interests of consumers concerned by the action;</b>  Text Origin: CRP 17 June 2020

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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) <del>to</del> 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) <del>to provide financing for a collective action</del> <b>the representative action is not brought</b> against a defendant who is a competitor of the fund provider or against a defendant on whom the fund provider is dependant; <b>dependent.</b>	(b) <del>to provide financing for a collective action</del> <b>the representative action is not brought</b> against a defendant who is a competitor of the fund provider or against a defendant on whom the fund provider is <del>dependant</del> ; <b>dependent.</b>  Text Origin: CRP 17 June 2020
Article 7(3)				
107	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.	3. Member States shall ensure that courts and administrative authorities <del>are empowered to assess the circumstances</del> <b>assess the absence of conflict of interest</b> referred to in paragraph 2 <del>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</del> <b>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.</b>  AM 72	3. Member States shall ensure that courts <del>and/or</del> 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 <b>compliance with paragraphs 1 and 2 within a representative action for redress in case any justified doubts arise in that regard. To that end, qualified entities shall disclose to the court or administrative authority a financial overview listing sources of funds used to support the action.</b>	3. Member States shall ensure that courts <del>and/or</del> administrative authorities are empowered to assess <del>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</del> <b>compliance with paragraphs 1 and 2 within a representative action for redress in case any justified doubts arise in that regard. To that end, qualified entities shall disclose to the court or administrative authority a financial overview listing sources of funds used to support the action.</b>  Text Origin: CRP 17 June 2020

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(4)				
107a			<p><b>4. Member States shall ensure that, when acting in accordance with paragraphs 1 and 2, courts or administrative authorities are empowered to take appropriate measures, such as requiring the qualified entity to refuse or change the relevant funding and, if necessary, rejecting the legal standing of the qualified entity in a specific action. If the legal standing of the qualified entity is rejected in a specific action, such a rejection shall not affect the rights of the consumers concerned by the action.</b></p>	<p><i>4. Member States shall ensure that, when acting in accordance with paragraphs 1 and 2, courts or administrative authorities are empowered to take appropriate measures, such as requiring the qualified entity to refuse or change the relevant funding and, if necessary, rejecting the legal standing of the qualified entity in a specific action. If the legal standing of the qualified entity is rejected in a specific action, such a rejection shall not affect the rights of the consumers concerned by the action.</i></p> <p>Text Origin: CRP 17 June 2020</p>
Article 7(3a)				
107b		<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>		
Article 7a				
107c		<p><u>Article 7a</u> <u>Loser pays principle</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 74		
Article 7a(1)				
107d		<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 <b>on redress</b>	Article 8 Settlements <b>on redress</b> Text Origin: Council Mandate
Article 8(1)				
109	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	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	deleted	deleted



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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>  AM 75		
Article 8(2)				
6	110	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.	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. <b>In view of an approval of a settlement, Member States shall ensure that within a representative action for</b> after having consulted them, to reach a settlement regarding redress within a reasonable set time-limit. <b>measures:</b>	2. <del>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</del> <b>In view of an approval of a settlement, Member States shall ensure that within a representative action for</b> after having consulted them, to reach a settlement regarding redress within a reasonable set time-limit. <b>measures:</b>  Text Origin: Council Mandate
Article 8(2a)				
6	110a		(a) the qualified entity and the trader may jointly propose to the court or administrative authority a settlement regarding redress for consumers; or	(a) the qualified entity and the trader may jointly propose to the court or administrative authority a settlement regarding redress for consumers; or

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 8(2b)				
6	110b		<p><b>(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.</b></p> <p>Moved from paragraph 2</p>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
Article 8(3)				
6	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 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.	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 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.	<p>deleted</p>
Article 8(4)				
6	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	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	4. The settlements referred to in <del>paragraphs 1, 2 and 3</del> <b>paragraph 2</b> shall be subject to the scrutiny of the court or administrative authority. The court or administrative authority shall assess <del>the legality and fairness</del>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	settlement, taking into consideration the rights and interests of all parties, including the consumers concerned.	settlement, taking into consideration the rights and interests of all parties, including the consumers concerned.	<del>of the</del> <b>whether it must refuse to approve a settlement that is contrary to mandatory national law, or includes conditions which cannot be enforced</b> , taking into consideration the rights and interests of all parties, <del>including and in particular those of</del> the consumers concerned. <b>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.</b>	<del>of the</del> <b>whether it must refuse to approve a settlement that is contrary to mandatory national law, or includes conditions which cannot be enforced</b> , taking into consideration the rights and interests of all parties, <del>including and in particular those of</del> the consumers concerned. <b>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.</b>  Text Origin: Council Mandate
Article 8(5)				
6	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 <del>referred to in paragraph 2 is not reached within the set time-limits or the settlement reached</del> is not approved, the court or administrative authority shall continue <b>to hear</b> the representative action.	5. If the settlement <del>referred to in paragraph 2 is not reached within the set time-limits or the settlement reached</del> is not approved, the court or administrative authority shall continue <b>to hear</b> the representative action.  Text Origin: Council Mandate
Article 8(6)				
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	6. <del>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.</del> The redress obtained through an approved	6. Individual consumers concerned <b>Approved settlements</b> 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	6. <del>Individual consumers concerned</del> <b>Approved settlements</b> shall be given the possibility to <del>accept or to refuse to be bound by settlements referred to in paragraphs 1, 2 and 3.</del> The redress

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	settlement in accordance with paragraph 4 shall be <b><i>binding upon all parties</i></b> without prejudice to any additional rights to redress that the consumers concerned may have under Union or national law.  AM 76	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 <b>binding upon the qualified entity, the trader and the individual consumers concerned.</b>  Member States may set out rules according to which individual consumers concerned 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 paragraph 2.	<i>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 binding upon the qualified entity, the trader and the individual consumers concerned.</i>  <i>Member States may set out rules according to which individual consumers concerned 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 paragraph 2.</i>  Text Origin: CRP 17 June 2020
Article 8(7)				
114a			<b>7. The redress obtained through an approved settlement in accordance with paragraph 4 shall be without prejudice to any additional remedies available under Union or national law, which were not subject to that settlement.</b>	<i>7. The redress obtained through an approved settlement in accordance with paragraph 4 shall be without prejudice to any additional remedies available under Union or national law, which were not subject to that settlement.</i>
Article 8a				
114b			<b>Article 8a</b>	<i>Article 8a</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Allocation of costs of the representative action for redress	Allocation of costs of the representative action for redress
Article 8a(1)				
6	114c		<p><b>1. Member States shall ensure that the defeated party in a representative action for redress pays the costs of the proceedings borne by the successful party, in accordance with the conditions and exceptions provided for in national law applicable to court proceedings in general.</b></p>	<p><i>1. Member States shall ensure that the defeated party in a representative action for redress pays the costs of the proceedings borne by the successful party, in accordance with the conditions and exceptions provided for in national law applicable to court proceedings in general.</i></p> <p>Text Origin: CRP 17 June 2020</p>
Article 8a(2)				
6	114d		<p><b>2. Individual consumers concerned by a representative action for redress shall not pay the costs of the proceedings.</b></p>	<p><i>2. Individual consumers concerned by a representative action for redress shall not pay the costs of the proceedings.</i></p> <p>Text Origin: CRP 17 June 2020</p>
Article 8a(3)				
6	114e		<p><b>3. Notwithstanding paragraph 2, in exceptional circumstances, individual consumers concerned</b></p>	<p><i>3. Notwithstanding paragraph 2, in exceptional circumstances, individual consumers concerned by</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			by a representative action for redress may be ordered to pay the costs of the proceedings that were deliberately or negligently caused by that individual consumer to the extent related to that consumer's conduct.	<i>a representative action for redress may be ordered to pay the costs of the proceedings that were deliberately or negligently caused by that individual consumer to the extent related to that consumer's conduct.</i>  Text Origin: CRP 17 June 2020
Article 9				
115	Article 9 Information on representative actions	Article 9 Information on representative actions	Article 9 Information on representative actions	Article 9 Information on representative actions  Text Origin: Commission Proposal
Article 9(-1)				
115b			<b>-0b. Member States shall set out rules ensuring that the qualified entities provide, in particular on their website, information on the representative actions they have decided to bring to the court or administrative authority, the state of play of the representative actions they already brought to the court or administrative authority and the outcomes of the actions.</b>	<i>-0b Member States shall set out rules ensuring that the qualified entities provide, in particular on their website, information on the representative actions they have decided to bring to the court or administrative authority, the state of play of the representative actions they already brought to the court or administrative authority and the outcomes of the actions.</i>
Article 9(-1), introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
6	115c	<p><u><i>-1. Member States shall ensure that the representative entities:</i></u></p> <p>AM 77</p>	<p><b>0. Member States shall set out rules ensuring that the consumers concerned by a ongoing representative action for a redress measure are provided with information about the action in a timely manner and by appropriate means in order to enable them to explicitly or tacitly express their will to be represented in the action pursuant to Article 5b(2).</b></p>	<p><i>0. Member States shall set out rules ensuring that the consumers concerned by a ongoing representative action for a redress measure are provided with information about the action in a timely manner and by appropriate means in order to enable them to explicitly or tacitly express their will to be represented in the action pursuant to Article 5b(2).</i></p> <p>Text Origin: CRP 17 June 2020</p>
Article 9(-1), point(a)				
6	115d	<p><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></p> <p>AM 77</p>		
Article 9(-1), point(b)				
6	115e	<p><u><i>(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,</i></u></p> <p>AM 77</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 9(-1), point(c)			
115f		<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 within specified time limits, including, where appropriate, through notifying all consumers concerned individually.</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 infringing trader</u> 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 within specified time limits, <del>including, where appropriate,</del> <u>Members States may provide that the information obligation can be complied with through a publicly available and easily accessible website notifying all consumers concerned individually.</u></p> <p>AM 78</p>	<p>1. <del>Member States shall ensure that</del> <b>Without prejudice to the information referred to in paragraphs -0b and 0 of this Article,</b> the court or administrative authority shall require the <del>infringing trader to inform, at its expense, the affected consumers at its expense</del> <b>concerned by the representative action</b> about the final decisions providing for measures referred to in <del>Articles 5 and 6, and</del> <b>Article 5</b> or the approved settlements referred to in Article 8, by means appropriate to the <del>circumstance</del> <b>circumstances</b> of the case and within specified time limits, including, where appropriate, <del>through</del> <b>by</b> notifying all consumers concerned individually. <b>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</b></p>	<p>1. <del>Member States shall ensure that</del> <b>Without prejudice to the information referred to in paragraphs -0b and 0 of this Article,</b> the court or administrative authority shall require the <del>infringing trader to inform, at its expense, the affected consumers at its expense</del> <b>concerned by the representative action</b> about the final decisions providing for measures referred to in <del>Articles 5 and 6, and</del> <b>Article 5</b> or the approved settlements referred to in Article 8, by means appropriate to the <del>circumstance</del> <b>circumstances</b> of the case and within specified time limits, including, where appropriate, <del>through</del> <b>by</b> notifying all consumers concerned individually. <b>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</b></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			obligation depends on the request of the qualified entity.	<i>on the request of the qualified entity.</i>  Text Origin: CRP 17 June 2020
Article 9(-1a)				
6	116a		<b>-1a. The information requirements referred to in paragraph 1 shall apply mutatis mutandis to the qualified entity concerning the final decisions on the rejection or dismissal of the representative action for redress measure.</b>	<b><i>-1a. The information requirements referred to in paragraph 1 shall apply mutatis mutandis to the qualified entity concerning the final decisions on the rejection or dismissal of the representative action for redress measure.</i></b>  Text Origin: CRP 17 June 2020
Article 9(1a)				
6	116b	<u><i>1a. The defeated party shall bear the costs of consumer information in accordance with the principle laid down in Article 7.</i></u>  AM 79	<b>1a. Member States shall ensure that the successful party can recover the costs related to providing the information to consumers in the context of the representative action, in accordance with Article 8(1).</b>	<b><i>1a. Member States shall ensure that the successful party can recover the costs related to providing the information to consumers in the context of the representative action, in accordance with Article 8(1).</i></b>  Text Origin: CRP 17 June 2020
Article 9(2)				
6	117	2. The information referred to in paragraph 1 shall include in intelligible language an explanation of the subject-matter of the	2. The information referred to in paragraph 1 shall include in intelligible language an explanation of the subject-matter of the  deleted	2. The information referred to in paragraph 1 shall include in intelligible language an explanation of the subject-matter of the  deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	representative action, its legal consequences and, if relevant, the subsequent steps to be taken by the consumers concerned.	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		
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)				
117b		<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>  AM 82		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 9a			
G	117i		<b>Article 9a</b> <b>Electronic databases</b>	<i>Article 9a</i> <i>Electronic databases</i>
	Article 9a(1)			
G	117j		<b>1. Member States may set up publicly available national electronic databases in the form of websites providing for information on qualified entities designated in advance for the purpose of bringing domestic and cross-border actions and general information on ongoing and concluded representative actions.</b>	<i>1. Member States may set up publicly available national electronic databases in the form of websites providing for information on qualified entities designated in advance for the purpose of bringing domestic and cross-border actions and general information on ongoing and concluded representative actions.</i>  <small>Text Origin: CRP 17 June 2020</small>
	Article 9a(2)			
G	117k		<b>2. If Member States establishes the electronic database referred to in paragraph 1, it shall notify to the Commission the internet address at which the database is available.</b>	<i>2. If Member States establishes the electronic database referred to in paragraph 1, it shall notify to the Commission the internet address at which the database is available.</i>  <small>Text Origin: CRP 17 June 2020</small>
	Article 9a(3)			
G	117l			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<b>3. The Commission shall establish and maintain an electronic database for the purposes of:</b>	<i>3. The Commission shall establish and maintain an electronic database for the purposes of:</i>
	Article 9a(3), point(a)			
G	117m		(a) all communications between the Member States and the Commission referred to in Articles 4-a(1), 4-a(4), 4-a(5) and 18(3);	(a) <i>all communications between the Member States and the Commission referred to in Articles 4-a(1), 4-a(4), 4-a(5) and 18(3);</i>  Text Origin: CRP 17 June 2020
	Article 9a(3), point(b)			
G	117n		(b) cooperation between the qualified entities referred to in Article 15(3).	(b) <i>cooperation between the qualified entities referred to in Article 15(3).</i>  Text Origin: CRP 17 June 2020
	Article 9a(5)			
G	117u		<b>5. The electronic database referred to in paragraph 3 of this Article shall be directly accessible, as relevant, to the national contact points, competent courts and administrative authorities if necessary under national law, qualified entities designated by the Member States for cross-border and domestic actions and the Commission.</b>	<i>5. The electronic database referred to in paragraph 3 of this Article shall be directly accessible, as relevant, to the national contact points, competent courts and administrative authorities if necessary under national law, qualified entities designated by the Member States for cross-border and domestic actions and the Commission.</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			The information shared by the Member States within the electronic database referred to in paragraph 3 of this Article regarding qualified entities designated to bring cross-border representative actions referred to Article 4-a(1) shall be publicly available.	<i>The information shared by the Member States within the electronic database referred to in paragraph 3 of this Article regarding qualified entities designated to bring cross-border representative actions referred to Article 4-a(1) shall be publicly available.</i>  Text Origin: CRP 17 June 2020
Article 10				
118	Article 10 Effects of final decisions	Article 10 Effects of final decisions	Article 10 Effects of final decisions	Article 10 Effects of final decisions  Text Origin: Commission Proposal
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 infringement.	1. Member States shall ensure that <del>an infringement harming collective interests of consumers established in</del> a final decision of an administrative authority or a court, including a final injunction order referred to in Article 5(2)(b), is <del>deemed as</del> <u>irrefutably 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 national courts against the same trader for the same <del>infringement</del> <u>facts providing that the same damage cannot be</u>	<del>1.</del> Member States shall ensure that <del>an infringement harming collective interests of consumers established in a final decision of a</del> <b>final decision of a court or</b> an administrative authority <del>or a court, including a final injunction order referred to in Article 5(2)(b), is deemed as</del> irrefutably establishing the existence <b>of that infringement for the purposes of any Member State on the existence of an infringement harming collective interests of consumers can be used by both parties as evidence in the context</b>	<del>1.</del> Member States shall ensure that <del>an infringement harming collective interests of consumers established in a final decision of a</del> <b>final decision of a court or</b> an administrative authority <del>or a court, including a final injunction order referred to in Article 5(2)(b), is deemed as</del> <i>irrefutably establishing the existence of that infringement for the purposes of any Member State on the existence of an infringement harming collective interests of consumers can be used by both parties as evidence in the context of</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>compensated twice to the same consumers concerned.</u></p> <p>AM 83</p>	<p>of any other actions seeking redress before their national courts <b>or administrative authorities</b> against the same trader for the same infringement, <b>in accordance with national law on evaluation of evidence.</b></p>	<p>any other actions seeking redress before their national courts <b>or administrative authorities</b> against the same trader for the same infringement, <b>in accordance with national law on evaluation of evidence.</b></p>
Article 10(2)				
6	120	<p>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.</p> <p>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 <del>as a rebuttable presumption</del> <u>at least as evidence</u> that an infringement has occurred.</p> <p>AM 84</p>	<p>deleted</p>	<p>deleted</p>
Article 10(2a)				
6	120a	<p><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 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>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 <del>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</del> <u>are encouraged to create a database containing all final decisions on redress</u> actions <del>seeking redress before their national courts against the same trader for that infringement. Member States shall ensure that such actions for that could facilitate other</del> redress <del>brought individually by consumers are available through expedient and simplified procedures</del> <u>measures, and to share their best practices in this field.</u></p> <p>AM 86</p>	<p>deleted</p>	<p>deleted</p>
Article 11				
122	<p>Article 11 Suspension of limitation period</p>	<p>Article 11 Suspension of limitation period</p>	<p>Article 11 <del>Suspension of</del> Limitation <del>period</del> <b>periods</b></p>	<p>Article 11 <del>Suspension of</del> Limitation <del>period</del> <b>periods</b></p> <p>Text Origin: Council Mandate</p>
Article 11				
123				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p><i>In accordance with national law,</i> 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 <del>consumers</del> <i>individuals</i> concerned, if the relevant rights are subject to a limitation period under Union or national law.</p> <p>AM 87</p>	<p><b>In accordance with national law,</b> Member States shall ensure that <b>a pending representative action for an injunction measure</b> <del>the submission of a representative action as referred to in Articles 5 and 6 shall have</del> <b>Article 5a</b> has the effect of suspending or interrupting <b>applicable</b> limitation periods <b>applicable to any redress actions for the</b> <b>in respect of consumers concerned by the action so that those consumers concerned, if the relevant rights are subject to are not prevented from subsequently bringing a redress action concerning the alleged infringement due to the expiry of limitation period under Union or national law periods during the representative actions for those injunction measures.</b> Member States shall also ensure that a pending representative action for a redress measure as referred to in Article 5b(1) has the effect of suspending or interrupting applicable limitation periods in respect of consumers concerned by that action.</p>	<p><i>In accordance with national law,</i> Member States shall ensure that <del>the submission of a pending</del> representative action <b>for an injunction measure</b> as referred to in <del>Articles 5 and 6 shall have</del> <b>Article 5a</b> has the effect of suspending or interrupting <b>applicable</b> limitation periods <del>applicable to any redress actions for the</del> <b>in respect of consumers concerned by the action so that those consumers concerned, if the relevant rights are subject to are not prevented from subsequently bringing a redress action concerning the alleged infringement due to the expiry of limitation period under Union or national law periods during the representative actions for those injunction measures.</b> Member States shall also ensure that a pending representative action for a redress measure as referred to in Article 5b(1) has the effect of suspending or interrupting applicable limitation periods in respect of consumers concerned by that action.</p> <p>Based on COM non-paper</p>
Article 12				
124	Article 12 Procedural expediency	Article 12 Procedural expediency	Article 12 Procedural expediency	Article 12 Procedural expediency



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 12(1)				
6	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 <del>take the necessary measures to ensure representative actions</del> <b>ensure that representative actions for injunction measures</b> referred to in <del>Articles 5 and 6</del> <b>Article 5a</b> are treated with due expediency.	1. Member States shall <del>take the necessary measures to ensure representative actions</del> <b>ensure that representative actions for injunction measures</b> referred to in <del>Articles 5 and 6</del> <b>Article 5a</b> are treated with due expediency.  Text Origin: CRP 17 June 2020
Article 12(2)				
6	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 <del>an injunction order in the form of an interim measure</del> <b>provisional measures to cease or, where appropriate, to prohibit a practice deemed to constitute an infringement</b> referred to in Article <del>5(2)(a)</del> <b>5a(1)(a)</b> shall, <b>if appropriate</b> , be treated by way of <del>an accelerated</del> <b>summary</b> procedure.	2. Representative actions for <del>an injunction order in the form of an interim measure</del> <b>provisional measures to cease or, where appropriate, to prohibit a practice deemed to constitute an infringement</b> referred to in Article <del>5(2)(a)</del> <b>5a(1)(a)</b> shall, <b>if appropriate</b> , be treated by way of <del>an accelerated</del> <b>summary</b> procedure.  .
Article 13				
6	127 Article 13 Evidence	Article 13 Evidence	Article 13 <b>Disclosure of evidence</b>	Article 13 <b>Disclosure of evidence</b>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
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 <del>one of the parties-a qualified entity</del> that has presented reasonably available facts and <del>sufficient</del> evidence <del>sufficient to support the representative action</del> and <del>a substantive explanation to support its views</del> , and has indicated further <del>specific and clear defined</del> evidence which lies in the control of the <del>other party-defendant</del> , the court or administrative authority may order, in accordance with national procedural rules, that such evidence be presented by <del>this party, as narrowly as possible on the basis of reasonably available facts-the defendant</del> , subject to the applicable Union and national rules on confidentiality. <del>The order must be adequate and proportionate in the respective case and must not create an imbalance between the two parties involved.</del>  AM 88	Member States shall ensure that, at the request of a qualified entity that has presented reasonably available <del>facts and</del> evidence sufficient to support the representative action, and has indicated further evidence which lies in the control of the defendant <b>or a third party</b> , the court or administrative authority may order, in accordance with national procedural rules, that such evidence be presented by the defendant <b>or the third party</b> , subject to the applicable Union and national rules on confidentiality <b>and proportionality</b> . <b>Member States shall ensure that a court or an administrative authority is able, upon request of the defendant, to equally order the qualified entity or a third party to disclose relevant evidence, in accordance with national procedural rules.</b>	Member States shall ensure that, at the request of a qualified entity that has presented reasonably available <del>facts and</del> evidence sufficient to support the representative action, and has indicated further evidence which lies in the control of the defendant <b>or a third party</b> , the court or administrative authority may order, in accordance with national procedural rules, that such evidence be presented by the defendant <b>or the third party</b> , subject to the applicable Union and national rules on confidentiality <b>and proportionality</b> . <b>Member States shall ensure that a court or an administrative authority is able, upon request of the defendant, to equally order the qualified entity or a third party to disclose relevant evidence, in accordance with national procedural rules.</b>  .
Article 13, first paragraph a				
128a		<u>Member States shall ensure that the courts limit the disclosure of</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>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				
6	128b	<p><u>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.</u></p> <p>AM 90</p>		
Article 14				
6	129	Article 14 Penalties	Article 14 Penalties	Article 14 Penalties
				Text Origin: Commission Proposal
Article 14(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
130	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.	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.	1. Member States shall lay down <b>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</b> <del>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</del> are implemented. The penalties provided for must be effective, proportionate and dissuasive.	1. Member States shall lay down <i>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</i> <del>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</del> are implemented. The penalties provided for must be effective, proportionate and dissuasive.  Text Origin: Council Mandate
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, <b>inter alia</b> , the form of fines.	2. Member States shall ensure that penalties may take, <i>inter alia</i> , the form of fines.  Text Origin: EP Mandate
Article 14(3)				
132	3. When deciding about the allocation of revenues from fines Member States shall take into account the collective interests of	3. When deciding about the allocation of revenues from fines Member States shall take into account the collective interests .	deleted	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	consumers.	<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		
Article 14(4)				
6	133 4. Member States shall notify provisions referred to in paragraph 1 to the Commission by [date for transposition of the Directive] at the latest and shall notify it without delay of any subsequent amendment affecting them.	4. Member States shall notify provisions referred to in paragraph 1 to the Commission by [date for transposition of the Directive] at the latest and shall notify it without delay of any subsequent amendment affecting them.	deleted	deleted
Article 15				
6	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 Assistance for qualified entities  Text Origin: Commission Proposal
Article 15(1)				
6	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	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>	1. Member States shall take <del>the necessary measures</del> <b>measures aiming</b> to ensure that procedural costs related to representative actions do not <del>constitute financial obstacles for</del> <b>prevent</b> qualified entities <del>to</del> <b>from</b> effectively <del>exercise</del> <b>exercising their</b> right to seek the	1. Member States shall take <del>the necessary measures</del> <b>measures aiming</b> to ensure that procedural costs related to representative actions do not <del>constitute financial obstacles for</del> <b>prevent</b> qualified entities <del>to</del> <b>from</b> effectively <del>exercise</del> <b>exercising their</b> right to seek the

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	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.	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 where necessary, or by providing them with public funding for this purpose.  AM 94	measures referred to in <del>Articles 5 and 6</del> , 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 <b>Article 5</b> .	measures referred to in <del>Articles 5 and 6</del> , 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 <b>Article 5</b> .  .
Article 15(1a)				
6	135a	<u><i>1a. Member States shall provide structural support to entities acting as qualified entities within the scope of this Directive.</i></u>  AM 95	<b>1a. The measures referred to in paragraph 1 may take, for example, the form of public funding, including the structural support for the qualified entities, the limitation of applicable court or administrative fees, or access to legal aid.</b>	<i>1a. The measures referred to in paragraph 1 may take, for example, the form of public funding, including the structural support for the qualified entities, the limitation of applicable court or administrative fees, or access to legal aid.</i>  Text Origin: CRP 17 June 2020
Article 15(1b)				
6	135b		<b>1b. Member States shall be able to set up rules that allow qualified entities to require modest entry fees or similar participation charges from those consumers who have expressed their will to be</b>	<i>1b. Member States shall be able to set up rules that allow qualified entities to require modest entry fees or similar participation charges from those consumers who have expressed their will to be</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			represented by a qualified entity within a particular representative action for redress measures.	represented by a qualified entity within a particular representative action for redress measures.  Text Origin: CRP 17 June 2020
Article 15(2)				
136	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.	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.	deleted	deleted
Article 15(3)				
137	3. Member States and the Commission shall support and 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.	3. Member States and the Commission shall support and 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.	3. Member States and the Commission shall support and 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.	3. Member States and the Commission shall support and 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.  Text Origin: Commission Proposal
Article 15a				
137a		<u><a href="#">Article 15a</a></u> <u><a href="#">Legal representation and fees</a></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		AM 96		
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				
138	Article 16 Cross-border representative actions	Article 16 Cross-border representative actions	deleted	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	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	deleted	deleted



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	<del>shall accept this list as proof of</del> <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		
Article 16(2)				
140	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	deleted
Article 16(2a)				
140a		<u>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</u>		deleted

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		<p><u>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.</u></p> <p>AM 98</p>		
Article 16(3)				
141	<p>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.</p>	<p>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.</p>	<p>deleted</p>	<p>deleted</p>
Article 16(4)				
142	<p>4. If a Member State or the Commission raises concerns regarding the compliance by a</p>	<p>4. If a Member State, <u>the Commission</u> or the <del>Commission</del> <u>trader</u> raises concerns</p>	<p>deleted</p>	<p>deleted</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 complied with.	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 designation if one or more of the criteria are not complied with.  AM 99	Moved to Article 4a, paragraph 5	
	Article 16a			
G	142a	<u>Article 16a</u> <u>Public Register</u>  AM 100		
	Article 16a(1)			
G	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			
G	143	Chapter 3 Final provisions	Chapter 3 Final provisions	Chapter 3 Final provisions

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 17				
144	Article 17 Repeal	Article 17 Repeal	Article 17 Repeal	Article 17 Repeal Text Origin: Commission Proposal
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).	Directive 2009/22/EU is repealed as of [date of application of this Directive] without prejudice to Article 20(2). Text Origin: Commission Proposal
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.	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. Text Origin: Commission Proposal
Article 18				
147				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 18 Monitoring and evaluation	Article 18 Monitoring and evaluation	Article 18 Monitoring and evaluation	Article 18 Monitoring and evaluation  Text Origin: Commission Proposal
Article 18(1)				
148	1. No sooner than 5 years after the date of application of this Directive, the Commission shall 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.	1. No sooner than 5 years after the date of application of this Directive, the Commission shall 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.	1. No sooner than 5 years after the date of application of this Directive, the Commission shall 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 <b>and the functioning and effectiveness of this Directive in cross-border situations, including in terms of legal certainty.</b>	1. No sooner than 5 years after the date of application of this Directive, the Commission shall 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 <b>and the functioning and effectiveness of this Directive in cross-border situations, including in terms of legal certainty.</b>  Text Origin: Council Mandate
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	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	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 and 15 of Annex I from the scope of application of this Directive as defined in Article 2.		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 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:	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:  <i>Text Origin: Commission Proposal</i>
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 <b>and type</b> of representative actions <b>that have been concluded by any of their courts or administrative</b> brought pursuant to this Directive before administrative and judicial authorities;	(a) the number <b>and type</b> of representative actions <b>that have been concluded by any of their courts or administrative</b> brought pursuant to this Directive before administrative and judicial authorities;

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				Text Origin: Council Mandate
Article 18(3), point(b)				
6	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)				
6	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 <del>the infringement tackled within the representative actions, the infringements and parties to the representative actions</del> <b>and the economic sector concerned by the representative actions;</b> Text Origin: Council Mandate
Article 18(3), point(d)				
6	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)				
6	155	(e) the outcomes of the representative actions;	(e) the outcomes of the representative actions;	(e) the outcomes of the representative actions;.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 18(3), point(f)				
156	(f) the number of qualified entities participating in cooperation and exchange of best practices mechanism referred to in Article 15(3).	(f) the number of qualified entities participating in cooperation and exchange of best practices mechanism referred to in Article 15(3).	deleted	deleted
Article 18a				
156a		<u>Article 18a</u> <u>Review clause</u>  AM 102		<i>Article 18a</i> <i>Review clause</i>  Text Origin: EP Mandate
Article 18a				
156b		<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>  AM 102		<i>No later than 5 years after the date of the application of this Directive, the Commission shall carry out evaluation whether cross-border representative actions could be best addressed at Union level by establishing an European Ombudsman for collective redress and present a report on main findings to the European Parliament, the Council and the European Economic and Social Committee, accompanied, if appropriate, by a relevant proposal.</i>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 19			
157	Article 19 Transposition	Article 19 Transposition	Article 19 Transposition	Article 19 Transposition  Text Origin: Commission Proposal
	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 [ <del>18</del> 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.	1. Member States shall adopt and publish, by [ <del>18</del> 24 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 [ <del>6</del> 12 months after the transposition deadline].	Member States shall apply those provisions from [6 months after the transposition deadline].  Text Origin: Commission Proposal
	Article 19(1), third subparagraph			
160				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 to be made.	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 to be made.	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 to be made.	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 to be made.  <a href="#">Text Origin: Commission Proposal</a>
Article 19(2)				
6	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.	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.  <a href="#">Text Origin: Commission Proposal</a>
Article 20				
6	162 Article 20 Transitional provisions	Article 20 Transitional provisions	Article 20 Transitional provisions	Article 20 Transitional provisions  <a href="#">Text Origin: Commission Proposal</a>
Article 20(1)				
6	163 1. Member States shall apply the laws, regulations and administrative provisions transposing this Directive	1. Member States shall apply the laws, regulations and administrative provisions transposing this Directive	1. Member States shall apply the laws, regulations and administrative provisions transposing this Directive	1. Member States shall apply the laws, regulations and administrative provisions transposing this Directive

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to infringements that started after [date of application of this Directive].	to infringements that started after [date of application of this Directive].	to <del>infringements that started</del> <b>actions that are brought on or</b> after [date of application of this Directive].	to <del>infringements that started</del> <b>actions that are brought on or</b> after [date of application of this Directive].  Text Origin: Council Mandate
Article 20(2)				
6	164 2. Member States shall apply the laws, regulations and administrative provisions transposing Directive 2009/22/EC to infringements that started before [date of application of this Directive].	2. Member States shall apply the laws, regulations and administrative provisions transposing Directive 2009/22/EC to infringements that started before [date of application of this Directive].	2. Member States shall apply the laws, regulations and administrative provisions transposing Directive 2009/22/EC to <del>infringements that started</del> <b>actions that are brought</b> before [date of application of this Directive].	2. Member States shall apply the laws, regulations and administrative provisions transposing Directive 2009/22/EC to <del>infringements that started</del> <b>actions that are brought</b> before [date of application of this Directive].  Text Origin: Council Mandate
Article 20(2a)				
6	164a		<b>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</b>	<b>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</b>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<b>infringements that occurred before that date.</b>	<i>before that date.</i> Text Origin: Council Mandate
Article 21				
165	Article 21 Entry into force	Article 21 Entry into force	Article 21 Entry into force	Article 21 Entry into force Text Origin: Commission Proposal
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.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Text Origin: Commission Proposal
Article 22				
167	Article 22 Addressees	Article 22 Addressees	Article 22 Addressees	Article 22 Addressees Text Origin: Commission Proposal
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.	This Directive is addressed to the Member States.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
	Formula			
169	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal
	Formula			
170	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal
	Formula			
171	The President	The President	The President	The President Text Origin: Commission Proposal
	Formula			
172	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal
	Formula			
173	The President	The President	The President	The President

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
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)	LIST OF PROVISIONS OF UNION LAW REFERRED TO IN ARTICLE 2(1)  Text Origin: Commission Proposal
Annex I, point(-a)				
174a			<b>A. General consumer law</b>	
Annex I, point(1)				
175	<p>(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 products (OJ L 210 , 07.08.1985, p. 29 –33)<sup>1</sup>.</p> <p><sup>1</sup> 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>(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 products (OJ L 210 , 07.08.1985, p. 29 –33)<sup>1</sup>.</p> <p><sup>1</sup> 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>(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 products (OJ L 210 , 07.08.1985, p. 29 –33)<sup>1</sup>.</p> <p><sup>1</sup> 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>(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 products (OJ L 210 , 07.08.1985, p. 29 –33)<sup>1</sup>.</p> <p><sup>1</sup> 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>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
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).	(2) Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).  Text Origin: Commission Proposal
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	deleted
Annex I, point(4)				
178	(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).	(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).  Text Origin: Commission Proposal
Annex I, point(4a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
178a			<b>(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).</b>	<i>(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).</i>  Text Origin: Council Mandate
Annex I, point(4b)				
178b			<b>(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).</b>	<i>(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).</i>  Text Origin: Council Mandate
Annex I, point(4c)				
178c			<b>(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.</b>	<i>(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.</i>  Text Origin: Council Mandate



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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	deleted
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	deleted
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	deleted
Annex I, point(8)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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	deleted
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 of consumer financial services (OJ L 271, 9.10.2002, p. 16).	(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).	See ANNEX I under title L. General financial services	deleted
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	deleted
Annex I, point(11)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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).	(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).  Text Origin: Commission Proposal
Annex I, point(12)				
186	(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).	(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).	See ANNEX I under title C. Passenger rights	deleted
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): <del>Article 1, point (e) of Article 2 and Articles 4 to 8.</del>	(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): <del>Article 1, point (e) of Article 2 and Articles 4 to 8.</del>  Text Origin: Council Mandate
Annex I, point(14)				
188				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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): <b>Articles 20 and 22.</b>	(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): <b>Articles 20 and 22.</b>  Text Origin: Council Mandate
Annex I, point(15)				
189	(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).	(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).	See ANNEX I under title C. Passenger rights	deleted
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	deleted
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	(17) Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation	See ANNEX I under title C. Passenger rights	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of air services in the Community (OJ L 293, 31.10.2008, p. 3): Articles 22, 23 and 24.	of air services in the Community (OJ L 293, 31.10.2008, p. 3): Articles 22, 23 and 24.		
Annex I, point(18)				
192	(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 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).	(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 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).	See ANNEX I under title B. Product information and labelling	deleted
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	deleted
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	(20) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal	See ANNEX I under title I. Energy market	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55–93).	market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55–93).		
Annex I, point(21)				
6	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	deleted
Annex I, point(22)				
6	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	deleted
Annex I, point(23)				
6	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 (OJ	(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 (OJ	See ANNEX I under title L. General financial services	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	L 266, 9.10.2009, p. 11–18).	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	deleted
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	deleted
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 labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46–58).	(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).	See ANNEX I under title B. Product information and labelling	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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	deleted
	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	deleted
	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	deleted



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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	deleted
	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	deleted
	Annex I, point(32)			
206	(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).	(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).	See ANNEX I under title C. Passenger rights	deleted
	Annex I, point(33)			
207				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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	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	deleted
Annex I, point(35)				
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).	(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).  Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
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 Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18–63).	(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).	See ANNEX I under title B. Product information and labelling	deleted
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	deleted
Annex I, point(38)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
6	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	deleted
Annex I, point(39)					
6	213	(39) Directive 2012/27/EU of the European Parliament and of the 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).	(39) Directive 2012/27/EU of the European Parliament and of the 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).	See ANNEX I under title J. Energy efficiency	deleted
Annex I, point(40)					
6	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	deleted
Annex I, point(41)					
6	215	(41) Regulation (EU) No 524/2013 of the European Parliament and of	(41) Regulation (EU) No 524/2013 of the European Parliament and of	See ANNEX I under title K. Dispute	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	resolution	
Annex I, point(42)				
216	(42) Regulation (EU) No 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).	(42) Regulation (EU) No 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	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	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,	(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,	See ANNEX I under title L. General financial services	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	11, 13, 14, 15, 16, 17, 18, 21, 22, 23, Chapter 10 and Annexes I and II.	13, 14, 15, 16, 17, 18, 21, 22, 23, Chapter 10 and Annexes I and II.		
Annex I, point(45)				
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	deleted
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	deleted
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 European	(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	See ANNEX I under title D. Tourism	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).	Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).		
	Annex I, point(48)			
6	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	deleted
	Annex I, point(49)			
6	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	deleted
	Annex I, point(50)			
6	224 (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	(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	See ANNEX I under title L. General financial services	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35–127).	Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35–127).		
	Annex I, point(51)			
6	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	deleted
	Annex I, point(52)			
6	226  (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).	(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).	See ANNEX I under title N. Insurances and retirement services	deleted
	Annex I, point(53)			
6	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	(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	See ANNEX I under title H. Personal data	deleted



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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).	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).		
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	deleted
Annex I, point(55)				
229	(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).	(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).	See ANNEX I under title F. Electronic commerce and services	deleted
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	(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	See ANNEX I under title M. Investment services	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2003/71/EC (OJ L 168, 30.6.2017, p. 12–82).	2003/71/EC (OJ L 168, 30.6.2017, p. 12–82).		
	Annex I, point(57)			
6	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	deleted
	Annex I, point(58)			
6	232  (58) Regulation (EU) 2017/1369 of the European Parliament and 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).	(58) Regulation (EU) 2017/1369 of the European Parliament and 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).	See ANNEX I under title B. Product information and labelling	deleted
	Annex I, point(59)			
6	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,	(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.	(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.	(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.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	p. 1).	1).	1): Articles 3 - 5.	1): <i>Articles 3 - 5.</i> Text Origin: Council Mandate
Annex I, point(59a)				
6	233a	<a href="#"><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></a> AM 103		
Annex I, point(59b)				
6	233b	<a href="#"><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></a> AM 104	(59a) 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).	(59b) <i>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).</i> Text Origin: EP Mandate
Annex I, point(59c)				
6	233c	<a href="#"><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</u></a>	(59b) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and	(59c) <i>Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><a href="#"><u>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></a></p> <p>AM 105</p>	<p>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).</p>	<p><i>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).</i></p> <p>Text Origin: EP Mandate</p>
Annex I, point(59d)				
6	233d	<p><a href="#"><u>(59d) Directive 2014/31/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 non-automatic weighing instruments (OJ L 96, 29.3.2014, p. 107).</u></a></p> <p>AM 106</p>	<p>(59c) Directive 2014/31/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 non-automatic weighing instruments (OJ L 96, 29.3.2014, p. 107).</p>	<p><i>(59d) Directive 2014/31/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 non-automatic weighing instruments (OJ L 96, 29.3.2014, p. 107).</i></p> <p>Text Origin: EP Mandate</p>
Annex I, point(59e)				
6	233e	<p><a href="#"><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></a></p> <p>AM 107</p>		
Annex I, point(59f)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
g	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 repealing Regulation (EC) No 1775/2005 (OJ L 211, 14.8.2009, p. 36).</u></p> <p>AM 108</p>		
Annex I, point(59d)				
g	233g		<b>B. Product information and labelling</b>	
Annex I, point(59e)				
g	233h		<p>(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).</p> <p>See row 177 - Identical</p>	<p>(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).</p> <p>Text Origin: Council Mandate</p>
Annex I, point(59f)				
g	233i		<p>(18) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of</p>	<p>(18) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><b>16 December 2008 on 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): Articles 1 - 35.</b></p> <p>See row 192</p>	<p><i>December 2008 on 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): Articles 1 - 35.</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59g)				
g	233j		<p><b>(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.</b></p> <p>See row 200</p>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59h)				
g	233k		<p><b>(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.</b></p> <p>see row 204</p>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, point(59i)				
233i			<p><b>(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).</b></p> <p>See row 210 - identical</p>	<p><i>(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).</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59j)				
233m			<p><b>(58) Regulation (EU) 2017/1369 of the European Parliament and 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.</b></p> <p>See row 232</p>	<p><i>(58) Regulation (EU) 2017/1369 of the European Parliament and 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.</i></p> <p>Text Origin: Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex I, point(59k)			
G	233n		<b>C. Passenger rights</b>	
	Annex I, point(59l)			
G	233o		<b>(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).</b>	<i>(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).</i>  Text Origin: Council Mandate
	Annex I, point(59m)			
G	233p		<b>(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).</b>  See row 184 - identical	<i>(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).</i>  Text Origin: Council Mandate
	Annex I, point(59n)			
G	233q			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><b>(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).</b></p> <p>See row 186 - identical</p>	<p><i>(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).</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59o)				
6	233r		<p><b>(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).</b></p> <p>See row 189 - identical</p>	<p><i>(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).</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59p)				
6	233s		<p><b>(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.</b></p> <p>See row 191</p>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59q)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
233t			(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).	(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).  Text Origin: Council Mandate
Annex I, point(59r)				
233u			(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 row 205 - identical	(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).  Text Origin: Council Mandate
Annex I, point(59s)				
233v			(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).	(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).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			See row 206 - identical	Text Origin: Council Mandate
	Annex I, point(59t)			
G	233w		<b>D. Tourism</b>	
	Annex I, point(59u)			
G	233x		<p><b>(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).</b></p> <p>See row 193 - identical</p>	<p><i>(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).</i></p> <p>Text Origin: Council Mandate</p>
	Annex I, point(59v)			
G	233y		<p><b>(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).</b></p>	<p><i>(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).</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			See row 221 - identical	Text Origin: Council Mandate
	Annex I, point(59w)			
G	233z		<b>E. Health</b>	
	Annex I, point(59x)			
G	233aa		<p><b>(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 (OJ L 311, 28.11.2001, p. 67): Articles 86–90, 98 and 100.</b></p> <p>See row 180</p>	<p><i>(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 (OJ L 311, 28.11.2001, p. 67): Articles 86–90, 98 and 100.</i></p> <p>Text Origin: Council Mandate</p>
	Annex I, point(59y)			
G	233ab		<p><b>(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.</b></p>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
	Annex I, point(59z)			
G	233ac		<b>(33a) Regulation (EU) 2017/745 of</b>	<b>(33a) Regulation (EU) 2017/745 of</b>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><b>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.</b></p>	<p><i>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.</i></p> <p>Text Origin: Council Mandate</p>
	Annex I, point(59aa)			
G	233ad		<p><b>(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.</b></p>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
	Annex I, point(59ab)			
G	233ae		<p><b>F. Electronic commerce and services</b></p>	
	Annex I, point(59ac)			
G	233af		<p><b>(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</b></p>	<p><i>(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</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>electronic commerce, in the internal market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1): Articles 5–7, 10 and 11.</p> <p>See row 179</p>	<p><i>commerce, in the internal market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1): Articles 5–7, 10 and 11.</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59ad)				
6	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>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59ae)				
6	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>	<p><i>(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).</i></p> <p>Text Origin: Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex I, point(59af)			
G	233ai		<b>G. Telecommunication</b>	
	Annex I, point(59ag)			
G	233aj		<p><b>(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.</b></p> <p>See row 181</p>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
	Annex I, point(59ah)			
G	233ak		<p><b>(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.</b></p>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
	Annex I, point(59ai)			
G	233al		<b>(38) Regulation (EU) No 531/2012</b>	<b>(38) Regulation (EU) No 531/2012</b>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>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>	<p><i>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).</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59aj)				
G	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>	<p><i>(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).</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59ak)				
G	233an		H. Personal data	
Annex I, point(59al)				
G	233ao		<p>(8) Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of</p>	<p><i>(8) Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and</i></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><b>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.</b></p> <p>See row 182</p>	<p><i>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.</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59am)				
6	233ap		<p><b>(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).</b></p> <p>See row 227 - identical</p>	<p><i>(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).</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59an)				
6	233aq		<b>I. Energy market</b>	
Annex I, point(59ao)				
6	233ar		<b>(20) Directive 2009/72/EC of the European Parliament and of the</b>	<i>(20) Directive 2009/72/EC of the European Parliament and of the</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><b>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.</b></p> <p>See row 194</p>	<p><i>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.</i></p> <p>Text Origin: Council Mandate</p>
	Annex I, point(59ap)			
6	233as		<p><b>(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.</b></p> <p>See row 195</p>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
	Annex I, point(59aq)			
6	233at		<b>J. Energy efficiency</b>	
	Annex I, point(59ar)			
6	233au		<p><b>(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</b></p>	<p><i>(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</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><b>285, 31.10.2009, p. 10–35): Article 14 and Annex I.</b></p> <p>See row 199</p>	<p><b>285, 31.10.2009, p. 10–35): Article 14 and Annex I.</b></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59as)				
6	233av		<p><b>(39) Directive 2012/27/EU of the European Parliament and of the 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): Articles 9–11a.</b></p> <p>See row 213</p>	<p><b>(39) Directive 2012/27/EU of the European Parliament and of the 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): Articles 9–11a.</b></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59at)				
6	233aw		<b>K. Dispute resolution</b>	
Annex I, point(59au)				
6	233ax		<p><b>(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.</b></p> <p>See row 214 - identical</p>	<p><b>(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.</b></p> <p>Text Origin: Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex I, point(59av)			
g	233ay		<p><b>(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.</b></p> <p>See row 215 - identical</p>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
	Annex I, point(59aw)			
g	233az		<b>L. General financial services</b>	
	Annex I, point(59ax)			
g	233ba		<p><b>(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).</b></p> <p>See row 183 - identical</p>	<p><i>(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).</i></p> <p>Text Origin: Council Mandate</p>
	Annex I, point(59ay)			
g	233bb		<p><b>(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</b></p>	<p><i>(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</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			87/102/EEC (OJ L 133, 22.5.2008, p. 66).  See row 190 - identical	87/102/EEC (OJ L 133, 22.5.2008, p. 66).  Text Origin: Council Mandate
	Annex I, point(59az)			
G	233bc		(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 (OJ L 266, 9.10.2009, p. 11–18).  See row 197 - identical	(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 (OJ L 266, 9.10.2009, p. 11–18).  Text Origin: Council Mandate
	Annex I, point(59ba)			
G	233bd		(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 row 198 - identical	(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).  Text Origin: Council Mandate
	Annex I, point(59bb)			
G	233be			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<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> <p>See row 211 - identical</p>	<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> <p>Text Origin: Council Mandate</p>
Annex I, point(59bc)				
6	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>	<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>Text Origin: Council Mandate</p>
Annex I, point(59bd)				
6	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</p>	<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</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			features (OJ L 257, 28.8.2014, p. 214).  See row 220	features (OJ L 257, 28.8.2014, p. 214).  Text Origin: Council Mandate
	Annex I, point(59be)			
6	233bh		(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).  See row 224 - identical	(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).  Text Origin: Council Mandate
	Annex I, point(59bf)			
6	233bi		M. Investment services	
	Annex I, point(59bg)			
6	233bj		(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	(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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>transferable securities (UCITS) (OJ L 302, 17.11.2009, p. 32–96).</p> <p>See row 196 - identical</p>	<p><i>securities (UCITS) (OJ L 302, 17.11.2009, p. 32–96).</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59bh)				
6	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>	<p><i>(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).</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59bi)				
6	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>	<p><i>(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.</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59bj)				



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
6	233bm		<p><b>(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).</b></p> <p>See row 222 - identical</p>	<p><i>(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).</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59bk)				
6	233bn		<p><b>(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).</b></p> <p>See row 223 - identical</p>	<p><i>(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).</i></p> <p>Text Origin: Council Mandate</p>
Annex I, point(59bl)				
6	233bo		<p><b>(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).</b></p>	<p><i>(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).</i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			See row 230 - identical	Text Origin: Council Mandate
	Annex I, point(59bm)			
6	233bp		<p><b>(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).</b></p> <p>See row 231</p>	<p><i>(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).</i></p> <p>Text Origin: Council Mandate</p>
	Annex I, point(59bn)			
6	233bq		<b>N. Insurance and retirement services</b>	
	Annex I, point(59bo)			
6	233br		<p><b>(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 183–186.</b></p> <p>See row 201 - identical</p>	<p><i>(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 183–186.</i></p> <p>Text Origin: Council Mandate</p>
	Annex I, point(59bp)			
6	233bs			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(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	(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.  Text Origin: Council Mandate
Annex II, Sub-Heading				
234	CORRELATION TABLE	CORRELATION TABLE	CORRELATION TABLE	CORRELATION TABLE  Text Origin: Commission Proposal
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	<i>The element is not present in the annex, as it is not supported. Please consult the original document[Will be updated during the legal linguistic revision]</i>  .