



### Chapter 3 exclusion for micro and small enterprises

European Commission proposal Article 16	European Parliament report Article 16	Council of the European Union Article 16	FEAT compromise text Article 16
<p>This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.</p>	<p>1. This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC and which do not qualify as a very large online platforms as defined by Article 25 of this Regulation.</p>	<p>This Section <u>and Section 3a</u> shall not apply to <u>providers of</u> online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC, <u>except when they are very large online platforms in accordance with Article 25.</u></p>	<p>This Section shall not apply to online platforms that qualify as micro or <del>small</del> enterprises within the meaning of the Annex to Recommendation 2003/361/EC.</p>
	<p><b>2. Providers of intermediary services may submit an application accompanied by a justification for a waiver from the requirements of this section provided that they:</b>  <b>(a) do not present significant systemic risks and have limited exposure to illegal content; and</b>  <b>(b) qualify as non-for-profit or qualify as a medium enterprise within the meaning of the Annex to Recommendation 2003/361/EC.</b></p>		
	<p><b>3. The application shall be submitted to the Digital Services Coordinator of establishment who shall conduct a preliminary assessment. The Digital Services Coordinator of establishment shall transmit to the Commission the application accompanied by its assessment and where applicable, a</b></p>		

	<p><i>recommendation on the Commission's decision. The Commission shall examine such an application and, after consulting the Board, may issue a total or a partial waiver from the requirements of this Section.</i></p>		
	<p><i>4. Where the Commission grants such a waiver, it shall monitor the use of the waiver by the provider of intermediary services to ensure that the conditions for use of the waiver are respected.</i></p>		
	<p><i>5. Upon the request of the Board, the Digital Services Coordinator of establishment or the provider, or on its own initiative, the Commission may review or revoke the waiver in whole or in parts.</i></p>		
	<p><i>6. The Commission shall maintain a list of all waivers issued and their conditions and shall make the list publicly available.</i></p>		
	<p><i>7. The Commission shall be empowered to adopt a delegated act in accordance with Article 69 as to the process and procedure for the implementation of the waiver system in relation with this Article.</i></p>		

## Traceability of traders

European Commission proposal Article 22	European Parliament report Article 22	Council of the European Union Article 24a	FEAT compromise text Article 22
<p>1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:</p> <p>(a) the name, address, telephone number and electronic mail address of the trader;</p> <p>(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council;</p> <p>(c) the bank account details of the trader, where the trader is a natural person;</p> <p>(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council or any relevant act of Union law;</p> <p>(e) where the trader is registered in a trade register or similar public register, the trade register in which the trader is registered and its registration number or equivalent means of identification in that register;</p> <p>(f) a self-certification by the trader committing to only offer products or</p>	<p>1. Online <b>platforms allowing</b> consumers to conclude distance contracts with traders shall ensure that traders can only use <b>their</b> services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of their services <b>for those purposes, they have been provided with</b> the following information:</p> <p>(a) the name, address, telephone number and electronic mail address of the trader;</p> <p>(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council;</p> <p>(c) the bank account details of the trader, where the trader is a natural person;</p> <p>(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council or any relevant act of Union law, <b>including in the area of product safety</b>;</p> <p>(e) where the trader is registered in a trade register or similar public register, the trade register in which the</p>	<p>1. <del>Where an online platform allows consumers to conclude distance contracts with traders, it</del> <b>Providers of online marketplaces</b> shall ensure that traders can only use <del>its</del> <b>their</b> services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of <del>its</del> <b>their</b> services, the <del>providers of online platform</del> <b>marketplaces</b> <del>have</del> <b>obtained the following information, where applicable:</b></p> <p>(a) the name, address, telephone number and electronic mail address of the trader;</p> <p>(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council;</p> <p>(c) the <del>bank</del> <b>payment</b> account details of the trader, <del>where the trader is a natural person</del>;</p> <p><del>(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council or any relevant act of Union law;</del></p> <p>(e) where the trader is registered in a trade register or similar public register, the trade register in which the trader is registered and its registration number or equivalent means of</p>	<p>1. Online <b>platforms allowing</b> consumers to conclude distance contracts with traders shall ensure that traders can only use <b>their</b> services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of <b>their</b> services, they have been provided with the following information:</p> <p>(a) the name, address, telephone number and electronic mail address of the trader;</p> <p>(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council;</p> <p>(c) the <b>payment</b> account details of the trader, <del>where the trader is a natural person</del>;</p> <p>(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council or any relevant act of Union law;</p> <p>(e) where the trader is registered in a trade register or similar public register, the trade register in which the trader is registered, and its registration number or equivalent means of identification in that register;</p>

<p>services that comply with the applicable rules of Union law.</p>	<p>trader is registered and its registration number or equivalent means of identification in that register;  (f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law <b>and where applicable confirming that all products have been checked against available databases, such as the Union Rapid Alert System for dangerous non-food products (RAPEX);</b>  <b>(fa) the type of products or services the trader intends to offer on the online platform;</b></p>	<p>identification in that register;  (f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law.</p>	<p>(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law <b>and where applicable confirming that all products have been checked against available databases;</b>  <b>(fa) the products or services the trader intends to offer on the online platform;</b></p>
<p>2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.</p>	<p>2. The online platform <b>allowing consumers to conclude distance contracts with traders</b> shall, upon receiving that information <b>before allowing the display of the product or service on its online interface, and until the end of the contractual relationship, make best efforts</b> to assess whether the information referred to in points (a) <b>to (fa)</b> of paragraph 1 is reliable <b>and complete. The online platform shall make best efforts to check the information provided by the trader</b> through the use of any freely accessible official online database or online interface made available by <b>an authorised administrator</b> or a Member States or the Union or through <b>direct</b> requests to the trader to provide supporting documents from reliable sources. <b>No later than one year after the entry into force of this Regulation, the Commission shall publish the list of</b></p>	<p>2. The <b>provider of</b> the online <del>platform</del> <b>marketplace</b> shall, upon receiving that information, make <del>reasonable</del> <b>best efforts</b> to assess, <b>prior to the use of their services,</b> whether the information referred to in points (a); <del>(d)</del> and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources</p>	<p>2. The online platform <b>allowing consumers to conclude distance contracts with traders</b> shall, upon receiving that information <b>before allowing the display of the product or service on its online interface, and during the contractual relationship, make best efforts</b> to assess whether the information referred to in points (a) <b>to (fa)</b> of paragraph 1 is reliable <b>and complete. The online platform shall make best efforts to check the information provided by the trader</b> through the use of any freely accessible official online database or online interface made available by <b>an authorised administrator</b> or a Member States or the Union or through <b>direct</b> requests to the trader to provide supporting documents from reliable sources. <b>No later than one year after the entry into force of this Regulation, the Commission shall publish the list of</b></p>

	<i>online databases and online interfaces mentioned in the paragraph above and keep it up-to- date. The obligations for online platforms referred to in paragraphs 1 and 2 shall apply with regard to new and existing traders.</i>		<i>online databases and online interfaces mentioned in the paragraph above and keep it up-to- date. The obligations for online platforms referred to in paragraphs 1 and 2 shall apply with regard to new and existing traders.</i>
	<i>2a. The online platform shall make best efforts to identify and prevent the dissemination, by traders using its service, of offers for products or services which do not comply with Union or national law through measures such as random checks on the products and services offered to consumers in addition to the obligations referred to in paragraph 1 and 2 of this Article.</i>		<i>2a. The online platform shall make best efforts to identify and prevent the dissemination of offers for products or services which do not comply with Union or national law through measures such as random checks on the products and services offered to consumers in addition to the obligations referred to in paragraph 1 and 2 of this Article.</i>
<p>3. Where the online platform obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.</p> <p>Where the trader fails to correct or complete that information, the online platform shall suspend the provision of its service to the trader until the request is complied with.</p>	<p>3. Where the online platform obtains <b>sufficient</b> indications <b>or has reasons to believe</b> that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.</p> <p>Where the trader fails to correct or complete that information, the online platform shall <b>swiftly</b> suspend the provision of its service to the trader <b>in relation to the offering of products or services to consumers located in the Union</b> until the request is <b>fully</b> complied with.</p>	<p>3. Where the <b>provider of the</b> online platform <b>marketplace</b> obtains <b>sufficient</b> indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate, <del>or incomplete</del> <b>or not up to date</b>, that <del>provider platform</del> shall request the trader to correct the information in so far as necessary to ensure that all information is accurate, <del>and complete</del> <b>and up to date</b>, without delay or within the time period set by Union and national law.</p> <p>Where the trader fails to correct or complete that information, the <b>provider of</b> online platform <b>marketplace</b> shall suspend the provision of its service to the trader until the request is complied with.</p>	<p>3. Where the online platform obtains indications <b>or a reason to believe</b> that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate, incomplete <b>or not up to date</b>, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate, complete <b>and up to date</b>, without delay or within the time period set by Union and national law.</p> <p>Where the trader fails to correct or complete that information, the online platform shall <b>swiftly</b> suspend the provision of its service to the trader <b>in relation to the offering of products or services to consumers located in the Union</b> until the request is <b>fully</b> complied with.</p>

	<b>3a. If an online platform rejects an application for services or suspends services to a trader, the trader shall have recourse to the mechanisms under Article 17 and Article 43 of this Regulation.</b>		
	<b>3b. Online platforms allowing consumers to conclude contracts with traders shall ensure that the identity, such as the trademark or logo, of the business user providing content, goods or services is clearly visible alongside the content, goods or services offered. For this purpose, the online platform shall establish a standardised interface for business users.</b>		<b>3b. Online platforms allowing consumers to conclude contracts with traders shall ensure that the identity, such as the name, trademark or logo, of the business user providing content, goods or services is clearly visible alongside the content, goods or services offered. For this purpose, the online platform shall establish a standardised interface for business users.</b>
	<b>3c. Traders shall be solely liable for the accuracy of the information provided and shall inform without delay the online platform of any changes to the information provided.</b>		
4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.	4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information <b>no later than six months after the final conclusion of a distance contract.</b>	4. The <b>provider of the marketplace platform</b> shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of <b>6 months after the end</b> of the <del>their</del> contractual relationship with the trader concerned. They shall subsequently delete the information.	4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned <b>and until 6 months after the conclusion of the contract.</b> They shall subsequently delete the information.
5. Without prejudice to paragraph 2, the platform shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent	5. Without prejudice to paragraph 2, the platform shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent	5. Without prejudice to paragraph 2 <b>of this Article</b> , the <b>providers of online marketplaces platform</b> shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in	5. Without prejudice to paragraph 2, the platform shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent

authorities or the Commission for the performance of their tasks under this Regulation.	authorities or the Commission for the performance of their tasks under this Regulation.	Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.	authorities or the Commission for the performance of their tasks under this Regulation.
6. The online platform shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.	6. The online platform shall make the information referred to in points (a), (d), <b>(e), (f), and (fa)</b> of paragraph 1 <b>easily</b> accessible to the recipients of the service, in a clear, easily accessible and comprehensible manner <b>in accordance with the accessibility requirements of Annex I to Directive (EU) 2019/882.</b>	6. The <b>provider of online marketplace platform</b> shall make the information referred to in points (a), <del>(e)</del> , (e) and (f) of paragraph 1 available to the recipients of the service, <b>at least on the product listing</b> , in a clear, easily accessible and comprehensible manner.	6. The online platform shall make the information referred to in points (a), (d), (e), <b>(f), and (fa)</b> of paragraph 1 <b>easily</b> accessible to the recipients of the service, in a clear, easily accessible and comprehensible manner <b>alongside the listing and in accordance with the accessibility requirements of Annex I to Directive (EU) 2019/882.</b>
7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.	7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.	<del>7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.</del> <b>[this provision is moved to Article 24b]</b>	7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.
			8. The liability exception in Article 5(1) of this Regulation shall not apply where an online platform does not comply with this Article.