Regulatory dialogue, adjustment mechanisms and timelines & penalties – cf. CCIA 1-pager

First, want commitment by EC to engage in dialogue. The dialogue should be technical, involving engineers, and an option would be to separate the enforcement unit from the monitoring unit to ensure genuine conversations. No fines should be hanging over dialogue, as proposed in EP.

Gatekeepers considering separating the dialogue team to help prevent misaligned/circumvention incentives.

CCIA and Amazon worried about fines introduced in EP. Also questions around effectiveness and timing of dialogue currently. When does it kick-in, what do gatekeepers get out of it, e.g. comfort letter? Need something to show to the Court.

CCIA on adjustment mechanisms, asked whether EC accepted that innovation, security may suffer? CCIA believes that error cost may be reduced without changing enforcement. For example through ex ante designating the specific CPSs, can build on this, prior to enforcement. But Article 8 and 9 foresee possibility ex post to correct harms. Therefore more grounds to be included, privacy etc, to help regulator understand trade-offs.

Amazon supports Google, push payment fraud, same concern around Article 5(a), would lower consumer protection. In relation to side-loading, Apple mentions Malware checking and other functionalities that would not be covered by device integrity heading, rather privacy and consumer protection.

Amazon points to system integrity not included for cloud, no integrity mention at all. In Article 5(c), what does this allow in e-commerce?

CCIA worried that positive role of gatekeepers’ work is not recognised and will be undermined