

TEMPLATE RELATING TO THE SUBMISSION OF A REASONED REQUEST PURSUANT TO ARTICLE 10 OF REGULATION (EU) 2022/1925 (Digital Markets Act)

Date of last update: 9 October 2023

The Commission may regularly update this template to request further information which gatekeepers should provide. Gatekeepers should therefore refer to the latest version of this template available on the Commission's website for the Digital Markets Act.¹

INTRODUCTION

Pursuant to Article 10(1) of Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector (Digital Markets Act),² a gatekeeper may request to be exempted, in whole or in part, from a specific obligation laid down in Articles 5, 6 or 7 in relation to a core platform service listed in the designation decision pursuant to Article 3(9), where such exemption is justified on grounds of public health or public security.

This template specifies the information that the Commission needs when assessing a reasoned request submitted by a gatekeeper pursuant to Article 10 of that Regulation.

SECTION 1

Contact information of the undertaking submitting the reasoned request

- 1.1. Provide the following information about the undertaking submitting the reasoned request (the "Undertaking"):
 - 1.1.1. name of the Undertaking;
 - 1.1.2. contact details:
 - 1.1.2.1. name, address, telephone number and e-mail address of, and position held by the appropriate contact person. The address given must be an address at which documents may be served and the contact person given shall be deemed to be authorised to accept service;
 - 1.1.2.2. if one or more authorised external representatives of the Undertaking are appointed, the name, address, telephone number and e-mail address of, and position held by, each such representative to whom documents may be served. Provide also the original written Power of Attorney for such representative(s) (based on the model Power of Attorney available on the Commission's website³).

¹ Accessible here: https://digital-markets-act.ec.europa.eu/legislation_en.

² Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (Text with EEA relevance), OJ L 265, 12.10.2022, p. 1.

³ Accessible here: https://digital-markets-act.ec.europa.eu/legislation_en.

SECTION 2

Information about the scope of the exemption

Should the Undertaking's request for exemption concern more than one core platform service and/or more than one obligation please fill in Section 2 of this form separately for each core platform service and for each of the relevant obligations.

- 2.1. Please indicate the core platform service and the specific obligation, or part thereof, that are concerned by the request for exemption.
- 2.2. Indicate whether the Undertaking is requesting a total or a partial exemption. If a total exemption is requested, explain why a partial exemption would not be appropriate.
- 2.3. Indicate the duration for which the Undertaking is requesting an exemption and the reasons for the proposed duration of the exemption.
- 2.4. Indicate the ground on which the request for exemption is based:
 - (i) public health; and/or
 - (ii) public security.
- 2.5. Explain in detail the impact that compliance with the obligation indicated in Section 2.1 would entail on:
 - (i) the ground or grounds indicated in Section 2.4;
 - (ii) the Undertaking; and
 - (iii) any third parties that you deem will be affected, including e.g., competitors, business users and end users, clearly indicating who these parties would be.
- 2.6. Provide any supporting figures or other documentation available that proves the impact mentioned in Section 2.5.
- 2.7. Describe how a full or partial exemption from the obligation may impact the Undertaking's compliance with any other obligation laid down in Articles 5, 6 and 7 of Regulation (EU) 2022/1925 in relation to the core platform service concerned by the request for exemption and which, according to Article 8(1) of that Regulation, should be effective in achieving the Regulation's objectives.
- 2.8. Describe the measures, if any, that the Undertaking will take to mitigate the effect of an exemption from the relevant obligation (or part thereof).
- 2.9. Should the Undertaking consider that the exemption from the obligation (or part thereof) listed under Section 2.1 is urgent and request the Commission to provisionally suspend the application of such obligation under Article 10(4) of Regulation (EU) 2022/1925, please provide a substantiated motivation as well as any supporting information, including any internal documents prepared in this regard.

SECTION 3

Declaration

The submission should conclude with the following declaration, which should be signed on behalf of the Undertaking:

‘[Name of the Undertaking], as a gatekeeper, declares that, to the best of its knowledge and belief, the information given in this submission is true, correct, and complete, that all estimates are identified as such and are its best estimates of the underlying facts, and that all the opinions expressed are sincere.’

For digitally signed forms, the following fields are for information purposes only. They should correspond to the metadata of the corresponding electronic signature(s).

Date:

[signatory 1]

Name:

Organisation:

Position:

Address:

Phone number:

E-mail:

[“e-signed” / signature]