

**TEMPLATE RELATING TO THE SUBMISSION OF A REASONED REQUEST
PURSUANT TO ARTICLE 9 OF REGULATION (EU) No 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 9(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 that a specific obligation laid down in Articles 5, 6 or 7 for a core platform service listed in the designation decision pursuant to Article 3(9) be suspended by demonstrating that compliance with such obligation would endanger, due to exceptional circumstances beyond the gatekeeper’s control, the economic viability of its operation in the Union.

This template specifies the information that the Commission needs when assessing a reasoned request submitted by a gatekeeper pursuant to Article 9 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 to be included in the reasoned request

Should the Undertaking's request for suspension 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 suspension.
- 2.2. Indicate the duration for which the Undertaking is requesting a suspension and the reasons for the proposed duration of the suspension.
- 2.3. Please provide a detailed explanation of why compliance with the obligation listed under Section 2.1 above would “*endanger, due to exceptional circumstances beyond the gatekeeper's control, the economic viability of its operation in the Union*” pursuant to Article 9(1) of Regulation (EU) 2022/1925. To this end, please clearly describe the following:
 - a) The Undertaking's operations in the Union;
 - b) The exceptional circumstances on which the request is based;
 - c) The reasons why the exceptional circumstances set out under b) above are beyond the gatekeeper's control;
 - d) The reasons why the economic viability of the operations mentioned under a) above would be endangered by the compliance with the relevant obligation (or part thereof).

Please support the information provided above under a) to d) with any relevant data and/or documents, including any internal documents prepared in this regard.

- 2.4. Explain in detail and provide any supporting data/documentation analysing the impact that continued compliance with the obligation indicated in Section 2.1 would have on:
 - (i) the Undertaking (to the extent not already covered in the Undertaking's response to Section 2.3.d) above); and
 - (ii) any third parties, including e.g., competitors, business users and end users, that the Undertaking deems will be affected, clearly indicating who these parties would be.
- 2.5. Describe how a full or partial suspension of the obligation listed in section 2.1 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 suspension and which, according to Article 8(1) of that Regulation, should be effective in achieving the Regulation’s objectives.

- 2.6. Describe measures, if any, that the Undertaking will take to mitigate the effect of a potential suspension of the relevant obligation (or part thereof).
- 2.7. Should the Undertaking consider that the suspension of the obligation (or part thereof) listed under Section 2.1 above is urgent, please provide a substantiated motivation as well as any supporting information, including data, or other documentation.

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]