RZ 6

These Guidelines can be seen as following a step-by-step approach, though supervisory authorities are not obliged to to follow all steps if they are not applicable in a given case, nor to provide reasoning surrounding aspects of the Guidelines that are not applicable.

However, if applicable the supervisory authorities should be bound to a reasonable extent to follow the guideline and be clear that no other schemes should be applied.

RZ 18

In certain circumstances the supervisory authority may consider that certain infringements can be punished with a fine of a predetermined, fixed amount. It is at the discretion of the supervisory authority to establish which types of infringements qualify as such, based on their nature, gravity and duration. The supervisory authority cannot make such a determination if this is prohibited or would otherwise conflict with the national law of the Member State.

Please provide practical examples of how (in which cases) a predetermined, fixed amount could be applied.

RZ 30 ff

Concurrence of Offences: Principle of specialty, Principle of subsidiarity, Principle of consumption

In our view it would be helpful to provide practical examples regarding the different principles of concurrence.

RZ 61 ff

Based on the evaluation of the factors outlined above, the supervisory authority may find the infringement to be of a low, medium or high level of seriousness. These categories are without prejudice to the question whether or not a fine can be imposed.

Will the level of seriousness be addressed in future decisions? Will more examples be published?

RZ 67

For the same reasons, the supervisory authority may consider adjusting the starting amount corresponding to the seriousness of the infringement in cases where this infringement is committed by an undertaking with an annual turnover not exceeding 100 million euros, an annual turnover not exceeding 250 million euros and an annual turnover not exceeding 500 million euros.

A table to better visualize the impact on the starting amount using these rules described here would be useful in our view.