

APPENDIX

COMPARATIVE TABLE OF BILL No. 4,675: ORIGINAL VERSION AND SUBSTITUTE VERSION

Subject Matter	Original Draft	Substitute Proposal
Institutional structure	Created a Digital Markets Superintendence within CADE (art. 14-A).	Renames the body as the Special Superintendence for Systemic Relevance, Free Competition and Consumer Protection in Digital Markets (art. 18-A).
Regulatory powers	Allowed CADE to issue complementary regulations, without specifying the subject matters (art. 48. § 1º).	Limits CADE's regulatory power to procedural matters and expressly prohibits the creation of new obligations, sanctions or designation grounds not provided by law (art. 18-A).
Designation scope	Designation applied to the relevant economic agent and covered the entire economic group (art. 87-A, § 2º).	Maintains designation at the economic group level, but is limited to specific services and products (art. 87-B, § 2º)
Quantitative thresholds	Global gross revenue above BRL 50 billion or Brazilian gross revenue above BRL 5 billion (art. 47-C, § 1º).	Maintains the same thresholds, but provides for annual inflation adjustment based on the IPCA (art. 47-C, § 3º).
Automatic obligations	Designation could be followed by special obligations, but the separation between designation and obligations was less explicit.	Clarifies that designation does not automatically trigger special obligations. Obligations require a separate administrative proceeding (art. 47-C, § 5º).
Simultaneous proceedings	Allowed designation and obligations proceedings to run simultaneously (art. 87-C, § 1º).	Allows simultaneous proceedings only when urgency to promote or protect competition is demonstrated (art. 87-D, § 6º).
Duration of designation	Designation could last up to 10 years (art. 87-A, § 1º).	Reduces the designation period to up to 6 years (art. 87-A, § 1º).
Review of designation	Did not expressly provide the possibility of review.	Allows review after 2 years if significant market changes alter the competitive conditions that justified the designation (art. 87-A, § 4º).
Merger control obligation	Required designated agents to submit transactions to CADE regardless of ordinary merger filing thresholds (art. 47-E, I).	Replaces mandatory filing with a merely informational duty to report transactions below the ordinary notification thresholds (art. 47-E, I, a).

Structure of special obligations	Listed obligations without a clear methodological division (art. 47-E).	Reorganizes obligations into three groups: transparency, information and reporting; and affirmative obligations (art. 47-E).
Scope of special obligations	Obligations could be limited to certain services or products (art. 47-E, II).	Obligations must be limited to specific products, services or categories of products/services, according to the competitive risks identified (art. 47-E, § 1º, II).
Positive obligations	Included data portability, interoperability, third-party applications, access to business-user data, change of default settings and non-discriminatory access (art. 47-E).	Maintains these obligations and adds clearer choice options, including neutral and non-discriminatory choice screens (art. 47-E, II, i)..
Negative obligations	Prohibited practices such as self-preferencing, tying, foreclosure, anti-steering restrictions and predatory or abusive strategies (art. 47-E).	Expands the list to include exploitation of user dependence, degradation of service quality and practices that make the exercise of users' rights excessively difficult, including interface design and dark patterns (art. 47-E, III, i)..
Factors CADE must consider before imposing obligations	CADE could consider information security, legal and regulatory compliance and core ecosystem functionality (art. 47-E, § 2º).	These factors become mandatory and are supplemented by innovation, especially for small businesses, and the public interest in the competitive development of digital markets (art. 47-E, § 2º).
Voluntary proposal by the respondent	No equivalent mechanism.	Allows the respondent to submit a voluntary proposal to inform the definition, implementation, adaptation or improvement of special obligations (art. 87-C).
Public participation in designation proceedings	Public participation was mainly tied to the preliminary opinion stage (art.87-D, § 3º).	Adds a public call for contributions at the beginning of designation proceedings, without eliminating the later public hearing (art. 87-E)
Procedural deadlines before the Superintendence	Automatic referral to the Tribunal after 180 days (art. 87-E).	Provides different deadlines: 210 days for designation or review of designation, and 240 days for establishment or review of obligations (art. 87-F).
Tribunal review timeline	Reporting Commissioner had up to 120 days to include both types of proceedings on the agenda (art. 87-F, § 1º).	Sets 60 days for designation proceedings and keeps 120 days for obligations proceedings (art. 87-G).

Commissioners	No detailed rule on requests for access to the case file during judgment.	Regulates requests for access, limiting them to 30 days, making them collective and requiring automatic inclusion in the next session (art. 87-G, § 5º).
Compliance reports	Designated agents had to submit compliance reports; CADE could require independent audits (art. 87-H).	Maintains compliance reports and specifies that the independent auditor must be selected or approved by CADE (art. 87-I).
Transparency and social participation	Included public consultations and hearings in specific procedural steps.	Adds a general transparency and participation clause, covering consultations, public hearings, technical meetings, public calls for contributions and submissions by interested parties (art. 87-J).
Digital markets review procedure	No equivalent procedure.	Creates a non-punitive digital markets review procedure to assess markets, ecosystems, services or activities and support designation, obligations or review decisions (art. 87-K).
Advisory Council	No equivalent body.	Allows CADE to create a non-binding Advisory Council on Competition in Digital Markets, with plural participation from academia, civil society, the productive sector and public authorities (art. 87-L).
Cooperation with other authorities	Allowed cooperation with specialized regulators (art. 47-F).	Expands cooperation to authorities from other branches and levels of government, subject to their legal powers (art. 47-F).
Allocation of competence	Provided for the transfer of proceedings to the Digital Markets Superintendence after designation (art. 14-B, § 1º).	Adds rules on ongoing cases and creates a mechanism for resolving conflicts of jurisdiction between the General Superintendence and the new Special Superintendence (art. 18-B, § 5º).
Sanctions for noncompliance	Failure to comply with special obligations triggered the same sanctions applicable to antitrust violations (art. 47-G).	Maintains the same approach, while reinforcing that CADE may not create new sanctions through secondary regulation (art. 47-G).