



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Economic and Monetary Affairs

2010/2137(INI)

12.10.2010

AMENDMENTS

1 - 95

Draft report
Derk Jan Eppink
(PE448.794v01-00)

Report on Competition policy 2009
(COM(2010)0282 – 2010/2137(INI))

AM_Com_NonLegReport

Amendment 1

Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution

Recital A

Motion for a resolution

A. whereas the exceptional circumstances of the last two years financial and economic crisis have called for exceptional measures,

Amendment

A. whereas the exceptional circumstances of the last two years financial and economic crisis have called for exceptional measures; ***whereas Commission efforts helped to stabilize financial markets while at the same time protecting the integrity of the Single Market,***

Or.en

Amendment 2

Antolín Sánchez Presedo

Motion for a resolution

Recital B

Motion for a resolution

B. whereas in times of crisis, well-functioning markets are essential and competition rules should be applied flexibly but strictly,

Amendment

B. whereas in times of crisis, ***it is essential to ensure financial stability, re-establish credit flows and reform the financial system in order for markets to function well*** and competition rules should ***therefore*** be applied flexibly but strictly

Or.es

Amendment 3
Anni Podimata

Motion for a resolution
Recital C

Motion for a resolution

C. whereas protectionism and non-enforcement of competition rules would only deepen and prolong the crisis,

Amendment

C. whereas protectionism and non-enforcement of competition rules would only deepen and prolong the crisis;
stressing, however, that the non-adaptability of competition policy measures to exceptional circumstances could also have disastrous effects,

Or.el

Amendment 4
Jürgen Klute

Motion for a resolution
Recital D

Motion for a resolution

D. whereas competition policy is an essential tool in ***enabling the EU to be competitive on the global stage,***

Amendment

D. whereas competition policy is an essential tool ***at the service of European consumers in ensuring a socially and economically healthy internal market and in combating abusive practices by certain economic operators,***

Or.fr

Amendment 5
Arturs Krišjānis Kariņš

Motion for a resolution
Recital D

Motion for a resolution

D. whereas competition policy is an essential tool in enabling the EU to be competitive on the global stage,

Amendment

D. whereas competition policy is an essential tool in enabling the EU to be competitive on the global stage ***and in***

overcoming the financial crisis,

Or.lv

Amendment 6

Antolín Sánchez Presedo

Motion for a resolution

Recital D

Motion for a resolution

D. whereas competition policy is an essential tool in enabling the EU to be competitive on the global stage,

Amendment

D. whereas competition policy is an essential tool in enabling the EU to ***have a dynamic, efficient and innovative internal market and to*** be competitive on the global stage,

Or.es

Amendment 7

Antolín Sánchez Presedo

Motion for a resolution

Recital E

Motion for a resolution

E. whereas the growing budget deficits and increased levels of public debt in many Member States may slow down economic recovery and economic growth for years to come,

Amendment

E. whereas, ***in the absence of a sustainable EU coordination initiative to back up structural reforms,*** the growing budget deficits and increased levels of public debt in many Member States may slow down economic recovery and economic growth for years to come,

Or.es

Amendment 8

Anni Podimata

Motion for a resolution

Recital E

Motion for a resolution

E. whereas the growing budget deficits and increased levels of public debt in many Member States **may slow down** economic recovery and economic growth for years to come,

Amendment

E. whereas **not only** the growing budget deficits and increased levels of public debt in many Member States **but also asphyxiating fiscal austerity and the lack of suitable development incentives and investment will seriously jeopardise** economic recovery and economic growth for years to come,

Or.el

Amendment 9

Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution

Recital E

Motion for a resolution

E. whereas **the** growing **budget** deficits and **increased levels of public debt** in many Member States may slow down economic recovery and economic growth for years to come,

Amendment

E. whereas growing deficits **are a matter of high concern** and **excessive macroeconomic imbalances** in many Member States **and in the EU as a whole** may slow down economic recovery and economic growth for years to come,

Or.en

Amendment 10

Jürgen Klute

Motion for a resolution

Recital F

Motion for a resolution

F. whereas Member States' governments, as a response to the financial crisis, have granted a **sizable** amount of State aid in the form, for example, of guarantee schemes, recapitalisation schemes and complementary forms of liquidity support on bank funding; whereas these measures

Amendment

F. whereas Member States' governments, as a response to the financial crisis, have granted a **considerable** amount of State aid in the form, for example, of guarantee schemes, recapitalisation schemes and complementary forms of liquidity support on bank funding, **without requiring any**

have provided banks with a significant source of funding and insurance against the risks usually faced by the financial sector,

real and binding contributions matching this aid; whereas these measures have provided banks with a significant source of funding and insurance against the risks usually faced by the financial sector,

Or.fr

Amendment 11

Anni Podimata

Motion for a resolution

Recital F

Motion for a resolution

F. whereas Member States' governments, as a response to the financial crisis, have granted a sizable amount of State aid in the form, for example, of guarantee schemes, recapitalisation schemes and complementary forms of liquidity support on bank funding; whereas these measures have provided banks with a significant source of funding and insurance against the risks ***usually*** faced by the financial sector,

Amendment

F. whereas Member States' governments, as a response to the financial crisis, have granted a sizable amount of State aid in the form, for example, of guarantee schemes, recapitalisation schemes and complementary forms of liquidity support on bank funding; whereas these measures have provided banks with a significant source of funding and insurance against the risks faced by the financial sector, ***which have been heightened or even brought into being by the recent financial and economic crisis,***

Or.el

Amendment 12

Antolín Sánchez Presedo

Motion for a resolution

Recital G

Motion for a resolution

G. whereas empirical analyses suggest that this State aid has generated a number of effects and distortions, such as a reduction of the spread of private bonds, which need to be taken into account when considering extending the aid or prolonging the

Amendment

G. whereas empirical analyses suggest that this State aid has generated a number of effects and distortions, such as a reduction of the spread of private bonds ***as a result of a disconnection from the financial circumstances of the institutions,*** which

exceptional rules currently in force,

need to be taken into account when considering *modifying* the aid or prolonging the exceptional rules currently in force,

Or.es

Amendment 13
Arturs Krišjānis Kariņš

Motion for a resolution
Recital H a (new)

Motion for a resolution

Amendment

Ha. whereas competition is still imperfect in the energy sector, agricultural production and other sectors,

Or.lv

Amendment 14
Arturs Krišjānis Kariņš

Motion for a resolution
Recital H b (new)

Motion for a resolution

Amendment

Hb. whereas the successful development of SMEs under conditions of free competition is one of the most essential preconditions for overcoming the financial crisis effectively,

Or.lv

Amendment 15
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Continues to support a more active role for Parliament in the shaping of competition policy through the introduction of a co-legislative role;

Amendment

3. Continues to support a more active role for Parliament in the shaping of competition policy through the introduction of a co-legislative role; ***asks for Parliament to be informed regularly of any initiatives in this field;***

Or.es

Amendment 16
Sophia in 't Veld

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Calls once again on the Commission, as the sole EU-wide competent competition authority, to report to Parliament in detail and annually about the follow-up to Parliament's recommendations and to explain any departure from Parliament's recommendations;

Amendment

4. Calls once again on the Commission, as the sole EU-wide competent competition authority, to report to Parliament in detail and annually about the follow-up to Parliament's recommendations and to explain any departure from Parliament's recommendations; ***notes that the response by the Commission to Parliament's 2008 Competition Report is a mere summary of actions taken, and does not provide any insight into the effectiveness of the measures;***

Or.en

Amendment 17
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4a. Stresses the importance of services of general interest in meeting the basic needs of the public and highlights, in line

with Article 16 of the Treaty on the functioning of the European Union and the Protocol on Services of General Interest annexed to the Treaty of Lisbon, that the shared values of the Union with regard to services of general economic interest include a high level of quality, safety and affordability, equal treatment and the promotion of universal access and of user rights; asks the Commission to consider these aspects when concluding its work on applying EU competition rules on services of general economic interest, calls on it to submit its conclusions and initiatives on this issue as soon as possible and to include a specific chapter thereon in its periodical reports on competition;

Or.es

Amendment 18
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Stresses the need to draft clear *and SME-friendly competition rules*;

Amendment

5. Stresses the need to draft clear competition rules *that are helpful and useful for SMEs*;

Or.es

Amendment 19
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Calls on the Commission to make use of independent, reliable expertise for the evaluations and studies *it undertakes or orders*;

Amendment

6. Calls on the Commission to make use of independent, reliable expertise for the evaluations and studies *required for the development of competition policy; urges*

it to publish their results;

Or.es

Amendment 20

Antolín Sánchez Presedo

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Asks the Commission to ***make use of*** Article 12 of the Treaty on the Functioning of the European Union, which ***states*** that ‘consumer protection requirements shall be taken into account in defining and implementing other Union policies and activities’, as a legal basis for future internal market legislation;

Amendment

7. Asks the Commission to ***ensure that*** Article 12 of the Treaty on the Functioning of the European Union, which ***stipulates*** that ‘consumer protection requirements shall be taken into account in defining and implementing other Union policies and activities’, ***is implemented under*** future internal market legislation;

Or.es

Amendment 21

Antolín Sánchez Presedo

Motion for a resolution

Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Welcomes with interest the Report on the functioning of Council Regulation 1/2003, submitted by the Commission five years after its entry into force and, while agreeing that it constitutes a keystone in the process of modernising competition rules and coordinating action by the EU and national authorities, notes the need to overcome differences of opinion in establishing priorities, on important aspects of the development of competition policy and on the functioning of cooperation systems so as to implement it more effectively;

Amendment 22
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 7 b (new)

Motion for a resolution

Amendment

7b. Recalls its resolution of 25 April 2007 on the Green Paper on damages actions for breach of the EC antitrust rules and stresses that the pending legislative proposal in relation thereto should include the content of Parliament resolution of 26 March 2009 on the White Paper on damages actions for breach of the EC antitrust rules; stresses the need for the Commission to propose legislation, without watering it down unnecessarily, to facilitate individual and class-action claims for effective compensation for damages resulting from breaches of EU antitrust law; such legalisation must be cross-cutting in nature, avoid the excesses of the North American system and be adopted using the ordinary legislative procedure (codecision);

Or.es

Amendment 23
Jürgen Klute

Motion for a resolution
Paragraph 8

Motion for a resolution

Amendment

8. Underlines that it has supported the Commission's request for more resources to be allocated to Commission staff in the area of competition in the 2011 budget; asks to be informed about how the additional resources have been used;

8. Underlines that it has supported the Commission's request for more resources to be allocated to Commission staff in the area of competition in the 2011 budget; asks to be informed about how the additional resources have been used; ***in the***

recalls its request to the Commission to ensure that its Directorate-General for Competition has appropriate staff numbers to deal with its rising workload;

light of the policy of the Commission and its Directorate-General for Competition aiming to decentralise some of the powers it had previously held to the competent national authorities, wonders to what extent the economic, social and financial crisis and its consequences call for the Directorate-General for Competition to be endowed with greater human resources than those released by this decentralisation policy; recalls its request to the Commission to ensure that its Directorate-General for Competition has appropriate staff numbers to deal with its rising workload;

Or.fr

Amendment 24

Arturs Krišjānis Kariņš

Motion for a resolution

Paragraph 8

Motion for a resolution

8. Underlines that it has supported the Commission's request for more resources to be allocated to Commission staff in the area of competition in the 2011 budget; asks to be informed about how the additional resources have been used; *recalls its request to the Commission to ensure that its Directorate-General for Competition has appropriate staff numbers to deal with its rising workload;*

Amendment

8. Underlines that it has supported the Commission's request for more resources to be allocated to Commission staff in the area of competition in the 2011 budget; asks to be informed about how the additional resources have been used;

Or.lv

Amendment 25

Arturs Krišjānis Kariņš

Motion for a resolution

Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. Stresses that the implementation of a successful competition policy and the complete functioning of the internal market are essential preconditions for sustainable economic growth in the European Union;

Or.lv

Amendment 26

Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 8 a (new)

Motion for a resolution

Amendment

8 a. Invites the Commission to examine the extent to which the concentration of critical raw materials suppliers may be harmful to the activity of client sectors and a more eco-efficient economy since some of these are of paramount importance for the deployment of eco-efficient technologies (photovoltaic panels, lithium-ion batteries...);

Or.en

Amendment 27Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 8 b (new)

Motion for a resolution

Amendment

8 b. Underlines that the current drive for fiscal consolidation and sustainable recovery should be used by Member States in order to progress towards a more level fiscal playing field ; in this respect,

environmental (carbon, resource) taxation provides an appropriate solution as it targets environmentally harmful products that constitute input for industrial production and because it would not distort competition within the single market;

Or.en

Amendment 28
Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 8 c (new)

Motion for a resolution

Amendment

8 c. Deems that the competition policy should contribute at promoting and enforcing open standards and interoperability in order to prevent technological lock-in of consumers and clients by a minority of market players;

Or.en

Amendment 29
Sophia in 't Veld

Motion for a resolution
Paragraph 9

Motion for a resolution

Amendment

9. Welcomes the temporary State aid rules established in response to the financial and economic crisis, namely the four Communications for the financial sector and the Temporary Framework directed at the other sectors;

9. Welcomes the temporary State aid rules established in response to the financial and economic crisis, namely the four Communications for the financial sector and the Temporary Framework directed at the other sectors; *reiterates its request to the Commission to publish, during the course of 2010, a comprehensive report on the effectiveness of State aid granted for 'green recovery' (bringing about a*

substantial shift towards sustainability, in particular in the automotive sector) and State aid for environmental protection; specifically, asks the Commission to clarify the low uptake of State aid for green products;

Or.en

Amendment 30
Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Welcomes the temporary State aid rules established in response to the financial and economic crisis, namely the four Communications for the financial sector and the Temporary Framework directed at the other sectors;

Amendment

9. Welcomes the temporary State aid rules established in response to the financial and economic crisis, namely the four Communications for the financial sector and the Temporary Framework, directed at the other sectors; *takes notes on the extension for one additional year of the application of the State aid temporary measures as a response to the economic and financial crisis;*

Or.en

Amendment 31
Sari Essayah

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Is concerned that these measures, which are temporary in nature, might ultimately not be that temporary; urges the Commission to provide clarity on the phasing out criteria that will be used to decide on their possible extension;

Amendment

10. Is concerned that these measures, which are temporary in nature, might ultimately not be that temporary; urges the Commission to provide clarity on the phasing out criteria that will be used to decide on their possible extension, *and emphasises the need to abolish temporary*

measures and exemptions as soon as possible;

Or.en

Amendment 32
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Is concerned that these measures, which are temporary in nature, might ultimately not be that temporary; urges the Commission to provide clarity on the phasing out criteria that will be used to decide on their possible extension;

Amendment

10. Stresses that the legal basis provided by Article 107(3)(b) was used for the first time for exceptional aid to the financial sector granted under exceptional circumstances to preserve its stability, maintain equilibrium on the internal market and facilitate its restructuring; in view of the current difficulties, agrees to the Commission's proposal to extend the crisis footing into 2011, when measures will gradually be lifted and new rules for the rescue and restructuring of financial institutions will be adopted;

Or.es

Amendment 33
Andreas Schwab

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Is concerned that these measures, which are temporary in nature, might ultimately not be that temporary; urges the Commission to provide clarity on the phasing out criteria that will be used to decide on their possible extension;

Amendment

10. Is concerned that these measures, which are temporary in nature, might ultimately not be that temporary ***and points out that it is, in the long term, necessary to discontinue such measures completely, particularly in the automobile sector;*** urges the Commission to provide clarity on the phasing out criteria that will be used to decide on their possible extension;

Amendment 34
Anni Podimata

Motion for a resolution
Paragraph 10

Motion for a resolution

10. ***Is concerned that these measures, which are temporary in nature, might ultimately not be that temporary***; urges the Commission to provide clarity on the ***phasing out*** criteria that will be used to decide on their possible extension;

Amendment

10. Urges the Commission to provide clarity on the criteria that will be used to decide on ***the*** possible ***need for*** their extension;

Or.el

Amendment 35
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

11a. Stresses the need to restore the competitive position of financial institutions which did not have recourse to the temporary rules on State aid;

Amendment

Or.es

Amendment 36
Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

11 a. Welcomes measures adopted by the Commission in order to reduce the

Amendment

balance sheet of certain 'too big or interconnected to fail' institutions which have received State aid during 2009;

Or.en

Amendment 37

Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 11 b (new)

Motion for a resolution

Amendment

11 b. Stresses however that the ongoing consolidation in the banking sector has actually increased the market share of several major financial institutions and, therefore, urges the Commission to maintain a close watch on the sector in order to enhance competition in European banking markets, including restructuring plans that imply the separation of banking activities in case of retail deposits have been used to cross-subsidize riskier investment banking activities;

Or.en

Amendment 38

Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 11 c (new)

Motion for a resolution

Amendment

11 c. Is concerned by the fact that there is empirical evidence showing that in most recapitalisation measures implemented during 2009 the cost of reimbursing the capital injected was below market prices and that in only a few cases the

distribution of dividends to shareholders have been limited or restrictions have been applied on market shares gains;

Or.en

Amendment 39

Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 11 d (new)

Motion for a resolution

Amendment

11 d. Notes that the Eurosystem performed several non standard liquidity injections during the whole year 2009; stresses that without prejudice of the ECB independence it is so far not possible to verify properly whether these measures could be assessed as State aid measures as long as methods used to determine the 'theoretical price' of assets eligible as collateral have not been disclosed;

Or.en

Amendment 40

Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 11 e (new)

Motion for a resolution

Amendment

11 e. Underlines that despite these unprecedented non standard liquidity injections, such support measures received by banks during the whole year 2009 and beyond have not been included in the Commission's compatibility assessment whereas recapitalisation measures and guarantees were; asks therefore the Commission to assess such

*operations on a ex post basis and
implement corrective measures whenever
required in order to ensure a level playing
field within the single market;*

Or. en

Amendment 41
Derk Jan Eppink

Motion for a resolution
New title after paragraph 11

Motion for a resolution

Amendment

*Review of State aid temporary rules
adopted as a response to the crisis*

Or. en

Amendment 42
Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

*11 a. Urges the Commission to prepare a
comprehensive and far reaching impact
assessment on decisions adopted in the
framework of the application of the State
Aid temporary measures as a response to
the economic and financial crisis and
annex it to the next annual Competition
report, including an in depth assessment
of distortions generated by guarantee
schemes, recapitalization schemes and
complementary forms of liquidity support
on bank funding;*

Or. en

Amendment 43
Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 11 b (new)

Motion for a resolution

Amendment

11 b. Urges the Commission, following such a comprehensive impact assessment, to implement corrective measures whenever required in order to ensure a level playing field within the single market;

Or.en

Amendment 44
Derk Jan Eppink

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11 a. Urges the Commission to produce a study which demonstrates the impact of the State aid measures in the economy;

Or. en

Amendment 45
Sari Essayah

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11 a. Urges the Commission to provide the Parliament with a thorough analysis of the impacts on competition of State aid during the crisis;

Amendment 46
Iliana Ivanova

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11 a. Calls on the Commission to undertake a thorough analysis of the consequences of the revised State aid mechanisms adopted in conjunction with the crisis and with regard to competition and the upholding of a level playing field in the EU, financial reform and in terms of job creation;

Or.en

Amendment 47
Corien Wortmann-Kool

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11 a. Calls on the Commission to reconsider if the existing temporary framework effectively contributes to a level-playing-field throughout the EU and moreover if the discretionary application of the framework leads in this respect to an optimal outcome

Or.en

Amendment 48
Corien Wortmann-Kool

Motion for a resolution
Paragraph 11 b (new)

Motion for a resolution

Amendment

11 b. Stresses the need that a possible extension of the temporary state-aid framework for the financial sector should consist of a detailed evaluation of this framework, taking into account scope and level of transparency and moreover consistency and comparability of the different measures which are based on this framework.

Or.en

Amendment 49
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11a. Stresses also that the temporary Community framework for new aid measures and the adaptation of State aid to help finance the real economy should be extended, with adaptations, until the end of 2011; backs the Commission's proposal to support the recovery by bringing back the de minimis aid threshold, imposing stricter criteria, particularly for guarantee-backed subsidies and loans, and focusing on SMEs, for which purpose it would be worthwhile, among other things, to include measures to help finance SMEs in the Risk Capital Guidelines;

Or.es

Amendment 50
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 11 b (new)

Motion for a resolution

Amendment

11 b. Calls on the Member States to cooperate actively with the Commission in developing the temporary rules established in response to the financial and economic crisis by providing timely, detailed reports on their implementation and effectiveness; urges the Commission to conduct an assessment of how they work and draw up a study on the impact of measures taken by third countries on the European Union;

Or.es

**Amendment 51
Derk Jan Eppink**

**Motion for a resolution
Paragraph 11 b (new)**

Motion for a resolution

Amendment

11 b. Calls upon the Commission to ensure a maximum of transparency and adhere strictly to the non-discrimination principle in approving State aid and prescribing divestment measures;

Or.en

**Amendment 52
Derk Jan Eppink**

**Motion for a resolution
Paragraph 11 c (new)**

Motion for a resolution

Amendment

11 c. Asks the Commission to produce study in which the ECB liquidity support is viewed as to its impact on the possible distortion of competition;

Amendment 53
Derk Jan Eppink

Motion for a resolution
Paragraph 11 d (new)

Motion for a resolution

Amendment

11d. Calls upon the Commission to closely monitor the M3 money supply with regard to State aid that has been approved in order to prevent an unintended overcapitalisation of companies which would subsequently distort competition;

Or. en

Amendment 54
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 12

Motion for a resolution

Amendment

12. Notes that State aid policy is an integral part of competition policy and that State aid control reflects the need to maintain a level playing field for all undertakings carrying out activities in the single market;

12. Notes that State aid policy is an integral part of competition policy and that State aid control reflects the need to ***ensure that resources are allocated effectively,*** maintain a level playing field for all undertakings carrying out activities in the single market and ***defend the interests of European citizens within a context of sustainable development;***

Or.es

Amendment 55
Jürgen Klute

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Considers it essential, when assessing whether State aid is compatible with the Treaty, to find the right balance between the negative effects of State aid on competition and public finances and its positive effects *in terms of common interests*;

Amendment

14. Considers it essential, when assessing whether State aid is compatible with the Treaty, to find the right balance between the negative effects of State aid on competition and public finances and its positive effects *on the social and economic fabric of the EU in permitting the survival of jobs and undertakings*;

Or.fr

Amendment 56
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Considers it essential, when assessing whether State aid is compatible with the Treaty, to find the right balance between the negative effects of State aid on competition and public *finances* and its positive effects in terms of common *interests*;

Amendment

14. Considers it essential, when assessing whether State aid is compatible with the Treaty, to find the right balance between the negative effects of State aid on competition and public *expenditure* and its positive effects in terms of *technical and economic progress, by ensuring that consumers receive a fair share of the benefits, as the common interest dictates*;

Or.es

Amendment 57
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Calls for the establishment of clear criteria for divestments, taking into account the medium-term impact of divestments on the firms involved, namely the reduction of

Amendment

15. Calls for the establishment of clear criteria for divestments, taking into account the medium-term impact of divestments on the firms involved, namely *on growth*,

their role in the global market;

innovation and employment as well as on the reduction of their role in the global market;

Or.es

Amendment 58
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Urges the Commission to carefully inspect fiscal State aid regimes in force in certain Member States to check their non-discriminatory and transparent nature;

Amendment

16. Urges the Commission to carefully inspect *tax expenditure and* fiscal State aid regimes in force in certain Member States to check their non-discriminatory and transparent nature;

Or.es

Amendment 59
Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution

Amendment

16 a. Calls upon the Commission to reconstitute and enhance its fiscal State aid unit;

Or.en

Amendment 60
Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 16 b (new)

Motion for a resolution

Amendment

16 b. Deems that in order to allow the Commission to be better able to identify harmful tax competition regimes, it is essential that the decision on automatic notification of tax rulings taken by the EU code of Conduct for business taxation working group in 2002 (Council doc 11077/02) is fully implemented by Member States;

Or.en

Amendment 61

Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 17 a (new)

Motion for a resolution

Amendment

17 a. Urges the Commission to examine the extent to which a too generous allocation of free EUA (European Union Allowances) permits in certain sectors may distort competition, given that these permits whose efficiency has diminished since the slowdown of the activity have generated windfall profits for certain companies, while reducing their incentives to play their part in the transition to an eco-efficient economy;

Or.en

Amendment 62

Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 17 b (new)

Motion for a resolution

Amendment

17 b. Asks to be closely involved in the follow up of the European Commission to the open consultation on State aid rules on Services of General Economic Interest;

Or.en

Amendment 63
Andreas Schwab

Motion for a resolution
Paragraph 18 a (new)

Motion for a resolution

Amendment

18a. Welcomes the extension of the vertical block exemption regulation, since this ensures a balance between manufacturers and distributors; points out however that the Commission has failed to take sufficient account of the specific circumstances relating to online sales, particularly with regard to the Digital Agenda and in view of its current efforts to complete the internal market for e-commerce;

Or.de

Amendment 64
Andreas Schwab

Motion for a resolution
Paragraph 18 b (new)

Motion for a resolution

Amendment

18b. Points out in particular that, in the light of the market monitoring measures currently being followed by the Commission, the admissibility under anti-trust legislation of joint purchases by

large distributors operating at international level is debatable;

Or.de

Amendment 65
Sergej Kozlík

Motion for a resolution
Paragraph 18 a (new)

Motion for a resolution

Amendment

18 a. Urges the Commission, in order to ensure the proper functioning of the internal market and the uniform application of competition rules in the EU, to take due notice of the rulings of the national courts in the application of competition law and to this end to adopt any measures necessary to achieve this objective;

Or.sk

Amendment 66
Derk Jan Eppink

Motion for a resolution
Paragraph 19 a (new)

Motion for a resolution

Amendment

19 a. Notes the Court of Justice's recent decision not to extend legal professional privilege to the advice of in-house lawyers in EU antitrust investigations (Akzo Nobel v Commission (C-550/07)); recalls the important role that such can lawyers play in ensuring high standards of compliance and corporate governance within the EU; notes that such a role is optimised when full and frank legal advice can be given in confidence; calls on the Commission to consult stakeholders on the possible development of guidelines to clarify the

conduct of antitrust investigations with respect to companies' in-house legal departments;

Or. en

Amendment 67
Sophia in 't Veld

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Believes that the use of ever higher fines as the sole antitrust instrument may be too blunt, not least considering potential job losses as a result of the inability to pay; *notes that substantial revenues deriving from fines are currently collected by the Commission and enter the EU budget; emphasises that a policy of high fines should not be used as an alternative budget financing mechanism;*

Amendment

22. Believes that the use of ever higher fines as the sole antitrust instrument may be too blunt, not least considering potential job losses as a result of the inability to pay, *and calls for the development of a wider range of more sophisticated instruments, covering such issues as individual responsibility, transparency and accountability of firms, shorter procedures, the right of defence and due process, mechanisms to ensure the effective operation of leniency applications (in particular to overcome the interference caused by discovery processes in the US), corporate compliance programs and the development of European standards; favours a 'carrot-and-stick' approach with penalties that serve as an effective deterrent, in particular for repeat offenders, while encouraging compliance;*

Or.en

Amendment 68
Arturs Krišjānis Kariņš

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Believes that the use of ever higher fines as the sole antitrust instrument may be too blunt, not least considering potential job losses as a result of the inability to pay; notes that substantial revenues deriving from fines are currently collected by the Commission and enter the EU budget; ***emphasises that a policy of high fines should not be used as an alternative budget financing mechanism;***

Amendment

22. Believes that the use of ever higher fines as the sole antitrust instrument may be too blunt, not least considering potential job losses as a result of the inability to pay; notes that substantial revenues deriving from fines are currently collected by the Commission and enter the EU budget;

Or.lv

Amendment 69
Anni Podimata

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Believes that the use of ever higher fines as the sole antitrust instrument may be too blunt, not least considering potential job losses as a result of the inability to pay; notes that substantial revenues deriving from fines are currently collected by the Commission and enter the EU budget; emphasises that a policy of high fines should not be used as an alternative budget financing mechanism;

Amendment

22. Stresses the need for the consistent implementation of antitrust policies, including the imposition of stiff fines on the one hand and policies to increase the competitiveness of undertakings by providing targeted incentives on the other, bearing in mind the possibly harmful consequences of a one-sided approach in terms of employment; notes that substantial revenues deriving from fines are currently collected by the Commission and enter the EU budget; emphasises that a policy of high fines should not be used as an alternative budget financing mechanism;

Or.el

Amendment 70
Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Believes that the use of ever higher fines as the sole antitrust instrument may be too blunt, not least considering potential job losses as a result of the inability to pay;
notes that substantial revenues deriving from fines are currently collected by the Commission and enter the EU budget; emphasises that a policy of high fines should not be used as an alternative budget financing mechanism;

Amendment

22. Believes that the use of ever higher fines as the sole antitrust instrument may be too blunt, not least considering potential job losses as a result of the inability to pay;

Or.en

Amendment 71
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 22 a (new)

Motion for a resolution

22a. Stresses, more than five years after the entry into force of Regulation (EC) No 139/2004 on the control of concentrations between undertakings, the importance of identifying areas where red tape can be reduced and where further convergence between the applicable national and EU rules can be achieved;

Or.es

Amendment 72
Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 22 a (new)

Motion for a resolution

Amendment

22 a. Welcomes the Commission's antitrust investigation concerning the iron ore production joint venture between BHP Billiton and Rio Tinto; invites the Commission to launch a general investigation into the pricing of iron ore;

Or.en

Amendment 73

Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 22 b (new)

Motion for a resolution

Amendment

22 b. Calls for the Commission to monitor developments in commodity-related markets following the conclusions of European Council of June 2008 (paragraph 40), and to tackle speculation where appropriate, which adversely affects European industry and generate distortions in the Single Market; invites the EU countries to take this issue up at the G20 Summit;

Or.en

Amendment 74

Antolín Sánchez Presedo

Motion for a resolution

Paragraph 24 a(new)

Motion for a resolution

Amendment

24a. Affirms that transparency is an essential prerequisite for financial markets to work properly, calls on the Commission to go to great lengths to

ensure that data on financial markets is disclosed in full compliance with the provisions of EU competition law and, in this regard, welcomes the initiatives to prevent abuse of ISIN and RIC securities identifier codes;

Or.es

Amendment 75
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 24 b (new)

Motion for a resolution

Amendment

24b. Urges the Commission to supervise SEPA (the Single Euro Payments Area) to ensure the payment system is accessible, non-discriminatory, transparent and efficient and in no way hinders competition; calls for the close monitoring of the aspects of the system affecting EU competition policy;

Or.es

Amendment 76
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 24 c (new)

Motion for a resolution

Amendment

24c. Asks the Commission to continue efforts to ensure effective competition on the payment cards markets, in accordance with the principles of SEPA (the Single Euro Payments Area), with a view to facilitating cross-border payments and maximising the potential of the internal market; calls for the systematic monitoring of developments on these markets and for the annual competition

reports to include progress indicators in this regard;

Or.es

Amendment 77
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 24 d (new)

Motion for a resolution

Amendment

24d. Stresses that effective competition on the energy markets should lead to greater security of energy supply, less environmental impact, greater innovation and a more affordable energy supply for households and companies in the EU;

Or.es

Amendment 78
Gunnar Hökmark

Motion for a resolution
Paragraph 24 a (new)

Motion for a resolution

Amendment

24 a. Stresses that in order for the European market to stay competitive and enable economic growth the entire single internal market needs to be the norm for competition rules;

Or.en

Amendment 79
Jürgen Klute

Motion for a resolution
Paragraph 25

Motion for a resolution

25. Regrets that energy consumers in the EU continue to suffer from a distorted energy market;

Amendment

25. Regrets that energy consumers in the EU continue to suffer from a distorted energy **and mobile telephony** market;

Or.fr

Amendment 80
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 25

Motion for a resolution

25. Regrets that energy consumers in the EU continue to suffer from a distorted energy market;

Amendment

25. Regrets that energy consumers in the EU continue to suffer from a distorted energy market; ***nonetheless, highlights the fact that the Commission has imposed the first fines for breach of competition rules in the energy sector and urges the Commission to remain very vigilant in enforcing competition rules in this sector;***

Or.es

Amendment 81
Andreas Schwab

Motion for a resolution
Paragraph 25

Motion for a resolution

25. Regrets that energy consumers in the EU continue to suffer from a distorted energy market;

Amendment

25. Regrets that energy consumers in the EU continue to suffer from a distorted energy market ***and urges the Commission rigorously to pursue the full implementation of the internal energy market package;***

Or.de

Amendment 82
Arturs Krišjānis Kariņš

Motion for a resolution
Paragraph 25 a (new)

Motion for a resolution

Amendment

25a. Observes that in the energy sector such obstacles to competition still persist as a lack of interconnections, untransparent procedures used by transmission system operators to allocate power to producers and disparities between countries in definitions of categories of recipients of services, which hamper competition between energy producers;

Or.lv

Amendment 83
Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 25 a (new)

Motion for a resolution

Amendment

25 a. Invites the Commission during the early steps of the implementation of the third energy package to closely monitor the level of competition since the three largest players still represent about 75 % (electricity) and above 60 % (gas) of the market despite the gradual opening of the markets in the mid-1990s ; invites the Commission to issue guidelines in order to improve the access of renewables to the energy network;

Or.en

Amendment 84
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 25 a (new)

Motion for a resolution

Amendment

25a. Stresses that the sustainability criteria set out in the Renewable Energy Directive are suitable for use when assessing State aids for fuel and bioliquids;

Or.es

Amendment 85
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 25 b(new)

Motion for a resolution

Amendment

25b. Highlights the particular importance of information and communications technology for innovation, maximising the potential of the digital economy and developing the knowledge society; considers it to be of the highest importance to ensure interoperability, facilitate the development of networks and keep markets open in order for economic operators to compete on the merits of their products;

Or.es

Amendment 86
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 25 c (new)

Motion for a resolution

Amendment

25c. Supports the Commission's measures encouraging the provision of adequate broadband coverage at affordable prices to all European citizens and calls on it to redouble its efforts to keep cross-border roaming charges for electronic communication under control and to include details of progress to that end in its annual competition reports;

Or.es

**Amendment 87
Gunnar Hökmark**

**Motion for a resolution
Paragraph 25 a (new)**

Motion for a resolution

Amendment

25 a. Underlines that State aid primarily should be channelled to promote common interest within the Union such as the deployment of broadband and energy infrastructures;

Or.en

**Amendment 88
Gunnar Hökmark**

**Motion for a resolution
Paragraph 25 b (new)**

Motion for a resolution

Amendment

25 b. Notes that state aid and other public funds should only be used in exceptional cases, where private operators have no commercial incentives to invest;

Or.en

Amendment 89
Arlene McCarthy

Motion for a resolution
Paragraph 26 a (new)

Motion for a resolution

Amendment

26 a. Calls on the Commission to urgently and thoroughly investigate levels of concentration in OTC derivatives markets, and in particular in the credit default swap market, to ensure there is no risk of market manipulation or conflict of interest;

Or.en

Amendment 90
Antolín Sánchez Presedo

Motion for a resolution
Paragraph 26 a (new)

Motion for a resolution

Amendment

26a. Recalls that the High Level Group, set up in October 2009 in the wake of the crisis that shook milk producers, has submitted its recommendations, which notably concern contractual relations and the producers' bargaining power; urges the Commission to act immediately to foster progress in a manner in keeping with the provisions of EU competition law;

Or.es

Amendment 91
Sophia in 't Veld

Motion for a resolution
Paragraph 27

Motion for a resolution

27. Urges the Commission to look in greater detail at competition in the agro-industrial sector in terms of transparency and consumer price evolution;

Amendment

27. Urges the Commission to look in greater detail at competition in the agro-industrial sector in terms of transparency and consumer price evolution; ***reiterates in this context, its earlier calls for sector inquiries into online advertising, search engines and the food industries; calls for an inquiry into media concentrations, including all channels for distribution of content, such as print, television and radio and the internet; requests that the Commission present an analysis of competition in the telecoms and car sectors;***

Or.en

Amendment 92

Jürgen Klute

Motion for a resolution

Paragraph 27

Motion for a resolution

27. Urges the Commission to look in greater detail at competition in the agro-industrial ***sector*** in terms of transparency and consumer price evolution;

Amendment

27. Urges the Commission to look in greater detail at competition in the agro-industrial ***and wholesale distribution sectors*** in terms of transparency and consumer price evolution, ***because of the high degree of concentration in these sectors in certain Member States;***

Or.fr

Amendment 93

Arturs Krišjānis Kariņš

Motion for a resolution

Paragraph 27

Motion for a resolution

27. Urges the Commission to look in greater detail at competition in the agro-industrial sector in terms of transparency and consumer price evolution;

Amendment

27. Considers that competition in agricultural production is a precondition for lower prices for consumers in European countries, and urges the Commission to look in greater detail at competition in the agro-industrial sector in terms of **support**, transparency and consumer price evolution;

Or.lv

Amendment 94
Anni Podimata

Motion for a resolution
Paragraph 27 a (new)

Motion for a resolution

Amendment

27a. Considers it necessary to take immediate action in response to inadmissible banking practices regarding debt levels in the form of consumer credit and mortgages, with a view to ensuring compliance with the rules of fair competition in this sector and reducing costs to consumers;

Or.el

Amendment 95
Philippe Lamberts on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 27 b (new)

Motion for a resolution

Amendment

27 b. Invites the Commission to carry out a competition inquiry in the agro-food industry to investigate the effect of the market power that major suppliers and retailers hold on the functioning of that

market;

Or.en