



EUROPEAN PARLIAMENT

2009 - 2014

---

*Committee on Economic and Monetary Affairs*

---

**2011/2094(INI)**

3.10.2011

# **AMENDMENTS**

## **1 - 77**

**Draft report**  
**Andreas Schwab**  
(PE470.074v01-00)

Annual Report on EU Competition Policy 2010  
(2011/2094(INI))

AM\877624EN.doc

PE472.269v01-00

**EN**

*United in diversity*

**EN**



**Amendment 1**  
**Peter Skinner**

**Motion for a resolution**  
**Citation 10 a (new)**

*Motion for a resolution*

*Amendment*

*- having regard to the Commission Staff working paper entitled 'The effects of temporary State aid rules adopted in the context of the financial and economic crisis',*

Or. en

**Amendment 2**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Recital A**

*Motion for a resolution*

*Amendment*

A. whereas the financial and economic crisis which broke out in autumn 2008 has not yet been overcome,

A. whereas the financial and economic crisis which broke out in autumn 2008 has not yet been overcome; *whereas financial turmoil and recessionary fears have become once again acute over the last months;*

Or. en

**Amendment 3**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Recital B**

*Motion for a resolution*

B. whereas the Commission responded to the eruption of the crisis in a prompt and reasonable manner by adopting special State aid rules and using competition policy as a crisis management tool; whereas this was, and still is, meant to be a temporary regime;

*Amendment*

B. whereas the Commission responded to the eruption of the crisis in a prompt and reasonable manner by adopting special State aid rules and using competition policy as a crisis management tool; whereas this was, and still is, meant to be a temporary regime ***although its timeframe has exceeded what was originally expected;***

Or. en

**Amendment 4**

**Philippe Lamberts**

on behalf of the Verts/ALE Group

**Motion for a resolution**

**Recital B a (new)**

*Motion for a resolution*

*Amendment*

***Ba. whereas between 1 October 2008 and 1 October 2010 the Commission took more than 200 decisions on State aid for the financial sector; whereas in 2009 the nominal amount of aid to the financial sector used by Member States constituted EUR 1 107 billion (9.3% of EU GDP); whereas the maximum volume of Commission-approved measures since the beginning of the crisis until 1 October 2010 (including both schemes and ad hoc interventions) amounts to EUR 4 588.90 billion;***

Or. en

**Amendment 5**

**Philippe Lamberts**

on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Recital B b (new)**

*Motion for a resolution*

*Amendment*

***Bb. whereas the Commission introduced, from 1 January 2011, a requirement to submit a restructuring plan for every beneficiary of a recapitalisation or an impaired asset measure, irrespective of whether the bank is considered to be fundamentally sound or distressed;***

Or. en

**Amendment 6**  
**Derk Jan Eppink**

**Motion for a resolution**  
**Recital C**

*Motion for a resolution*

*Amendment*

C. whereas ***the*** State aid given during the crisis ***has*** contributed to ***an imbalance*** in public finances; whereas it is still unknown how far-reaching an impact this State aid and the guarantees provided to banks may have in the future if some of those guarantees are actually called in;

C. whereas ***sizable amounts of*** State aid given during the crisis ***in the form of, for example, guarantee schemes, recapitalisation schemes and complementary forms of liquidity support on bank funding, have*** contributed to ***severe imbalances*** in public finances; whereas it is still unknown how far-reaching an impact this State aid and the guarantees provided to banks may have in the future if some of those guarantees are actually called in;

Or. en

**Amendment 7**  
**Derk Jan Eppink**

**Motion for a resolution**  
**Recital C a (new)**

*Motion for a resolution*

*Amendment*

***Ca. whereas protectionism and non-enforcement of competition rules would only deepen and prolong the crisis; whereas competition policy is an essential tool to enable the EU to have a dynamic, efficient and innovative internal market and to be competitive on the global stage;***

Or. en

**Amendment 8**  
**Rolandas Paksas**

**Motion for a resolution**  
**Recital D**

*Motion for a resolution*

*Amendment*

D. whereas, notwithstanding all the efforts to cope with the economic crisis, cartels remain the most serious threat to competition, consumer welfare and the proper functioning of markets, and consequently cannot be accepted even during an economic crisis;

D. whereas, notwithstanding all the efforts to cope with the economic crisis, cartels remain the most serious threat to competition, consumer welfare and the proper functioning of markets, and consequently cannot be accepted even during an economic crisis; ***whereas the formation of cartels is encouraged by both deflation and inflation;***

Or. It

**Amendment 9**  
**Derk Jan Eppink**

**Motion for a resolution**  
**Paragraph 1**

*Motion for a resolution*

*Amendment*

1. Welcomes the Commission Report on Competition Policy 2010; highlights, on the occasion of the 40th anniversary of this

1. Welcomes the Commission Report on Competition Policy 2010; highlights, on the occasion of the 40th anniversary of this

report, that competition policy has brought numerous benefits in terms of consumer welfare and continues to be an essential tool for preserving the single market; stresses that **the** rules need to be updated to deal with new challenges;

report, that ***the elimination of obstacles to the free movement of goods, services, persons and capital has always been the cornerstone of EU*** competition policy; ***points out that competition policy*** has brought numerous benefits in terms of consumer welfare and continues to be an essential tool for preserving the single market; stresses that rules need to be updated to deal with new challenges;

Or. en

**Amendment 10**  
**Diogo Feio**

**Motion for a resolution**  
**Paragraph 1**

*Motion for a resolution*

1. Welcomes the Commission Report on Competition Policy 2010; highlights, on the occasion of the 40th anniversary of this report, that competition policy has brought numerous benefits in terms of consumer welfare and continues to be an essential tool for preserving the single market; stresses that **the** rules need to be updated to deal with new challenges;

*Amendment*

1. Welcomes the Commission Report on Competition Policy 2010; highlights, on the occasion of the 40th anniversary of this report, that competition policy has brought numerous benefits in terms of consumer welfare and continues to be an essential tool for preserving the single market; stresses that **some** rules need to be updated to deal with new challenges;

Or. pt

**Amendment 11**  
**Ildikó Gáll-Pelcz**

**Motion for a resolution**  
**Paragraph 1 a (new)**

*Motion for a resolution*

***1a. Welcomes the fact that EU competition policy is able to adapt to the changing economic situation and ensure***

*equal competition conditions within the single market. The combined effect of rigid principles and flexible procedures enables competition policy to be a constructive and stabilising factor in the EU's financial system and in the real economy in general;*

Or. hu

**Amendment 12**  
**Derk Jan Eppink**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. ***Stresses that*** the temporary regime applicable to State aid ***has been positive*** as an initial reaction to the crisis, ***but that it cannot be prolonged unduly, and that a new, permanent regulatory system and new State aid rules are necessary in order to tackle the flaws found in the pre-crisis legal system, in particular as regards the financial sector;***

*Amendment*

2. ***Takes note of*** the temporary regime applicable to State aid as an initial reaction to the crisis; ***is concerned that measures which are temporary in nature might ultimately not be that temporary; emphasises the need to discontinue temporary measures and exemptions as soon as possible;***

Or. en

**Amendment 13**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. Stresses that the temporary regime applicable to State aid has been positive as an initial reaction to the crisis, but that it cannot be prolonged unduly, and that a new, permanent regulatory system and new

*Amendment*

2. Stresses that the temporary regime applicable to State aid has been positive as an initial reaction to the crisis, but that it cannot be prolonged unduly, and that a new, permanent regulatory system and new



State aid rules are necessary in order to tackle the flaws found in the pre-crisis legal system, in particular as regards the financial sector;

State aid rules are necessary in order to tackle the flaws found in the pre-crisis legal system, in particular as regards the financial sector *as well as to remedy distortions created over the financial and economic crisis*;

Or. en

**Amendment 14**  
**Derk Jan Eppink**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. *Welcomes* the announcement of specific rescue and restructuring guidelines for the banking sector; recommends to the Commission that it take into account the impact of the liquidity support provided by central banks during the rescue stage, and provide for the orderly restructuring of banks, with shareholder involvement, prior to the injection of public capital;

*Amendment*

3. *Notes* the announcement of specific rescue and restructuring guidelines for the banking sector; recommends to the Commission that it take into account the impact, *in terms of distortion of competition, of* the liquidity support provided by central banks during the rescue stage, and provide for the orderly restructuring of banks, with shareholder involvement, prior to the injection of public capital;

Or. en

**Amendment 15**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. Welcomes the announcement of specific rescue and restructuring guidelines for the banking sector; recommends to the Commission that it take into account the

*Amendment*

3. Welcomes the announcement of specific rescue and restructuring guidelines for the banking sector; recommends to the Commission that it take into account the

impact of the liquidity support provided by central banks during the rescue stage, and provide for the orderly restructuring of banks, with shareholder involvement, prior to the injection of public capital;

impact of the liquidity support provided by central banks during the rescue stage, and provide for the orderly restructuring of banks, with shareholder **and bondholder** involvement, prior to the injection of public capital;

Or. en

**Amendment 16**  
**Elisa Ferreira**

**Motion for a resolution**  
**Paragraph 3 a (new)**

*Motion for a resolution*

*Amendment*

***3a. Calls on the Commission to quickly come forward with the foreseen legislative proposal to address in a true European framework the resolution of failing banks, guaranteeing a common rulebook, a common set of intervention tools and triggers, limiting taxpayers' involvement to a minimum, namely through the creation of harmonised self-financed (on a risk based approach) industry resolution funds;***

Or. en

**Amendment 17**  
**Gunnar Hökmark**

**Motion for a resolution**  
**Paragraph 3 a (new)**

*Motion for a resolution*

*Amendment*

***3a. Underlines the need to decrease State aid and make it more targeted, as the European Parliament has previously recommended;***

**Amendment 18**  
**Gunnar Hökmark**

**Motion for a resolution**  
**Paragraph 3 b (new)**

*Motion for a resolution*

*Amendment*

***3b. Stresses that State aid must be allocated in a way that does not distort competition or favour established companies at the expense of emerging ones;***

Or. en

**Amendment 19**  
**Gunnar Hökmark**

**Motion for a resolution**  
**Paragraph 3 c (new)**

*Motion for a resolution*

*Amendment*

***3c. Is of the opinion that State aid should focus on innovation and research clusters and thereby support entrepreneurship rather than individual entities;***

Or. en

**Amendment 20**  
**Sophia in 't Veld**

**Motion for a resolution**  
**Paragraph 3 a (new)**

*Motion for a resolution*

*Amendment*

***3a. Calls on the Commission to ensure***

*that the intended simplification of State aid rules for SGEI will not lead to a deterioration in the monitoring of overcompensation;*

Or. en

**Amendment 21**  
**Sophia in 't Veld**

**Motion for a resolution**  
**Paragraph 3 b (new)**

*Motion for a resolution*

*Amendment*

*3b. Takes note of the Commission's intention to introduce a 'de minimis' arrangement in respect of State aid for SGEI; underlines that clear and unambiguous criteria are needed to determine what services would be covered by it;*

Or. en

**Amendment 22**  
**Sophia in 't Veld**

**Motion for a resolution**  
**Paragraph 3 c (new)**

*Motion for a resolution*

*Amendment*

*3c. Insists that any proposal to exempt in principle further categories of SGEI from the notification requirement must be based on evidence that such an exemption from the rules is justified and necessary, and does not unduly distort competition;*

Or. en

**Amendment 23**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 3 a (new)**

*Motion for a resolution*

*Amendment*

***3a. Notes that the ECB performed several non standard liquidity injections over the crisis; 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 24**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 3 b (new)**

*Motion for a resolution*

*Amendment*

***3b. 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; therefore asks 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 25**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 3 c (new)**

*Motion for a resolution*

*Amendment*

***3c. Welcomes measures adopted so far by the Commission in order to reduce the balance sheet size of certain too big or interconnected-to-fail institutions which have received State aid over the crisis; deems that more measures are required with that purpose;***

Or. en

**Amendment 26**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 3 d (new)**

*Motion for a resolution*

*Amendment*

***3d. 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 by imposing restructuring plans that imply the separation of banking activities where retail deposits allow these institutions to cross-subsidise riskier investment banking activities;***

Or. en

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

**Motion for a resolution**  
**Paragraph 3 e (new)**

*Motion for a resolution*

*Amendment*

***3e. Therefore urges the Commission to link the extension of the temporary State aid to the banking sector beyond 2011 with enhanced and more stringent conditions related to the reduction of the balance sheet composition and size, including a proper focus on retail lending as well as stronger restrictions on bonuses and distribution of dividends; deems that these conditions should be explicit, imperative as well as assessed and summarised on an ex post basis in the forthcoming annual Competition reports;***

Or. en

**Amendment 28**  
**Sophia in 't Veld**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

*Amendment*

4. Believes that ***the most effective tool for deterrence is still*** public enforcement by the Commission and by national competition authorities;

4. Believes that public enforcement by the Commission and by national competition authorities ***continues to be a highly effective tool for deterrence; recognises, however, that in an increasingly integrated single market, and with rapidly growing online trade, there is a need for an EU-wide approach to consumer rights in the area of collective redress; is also convinced that private enforcement through collective redress could facilitate***

*the compensation at EU level of harm caused to consumers and undertakings;*

Or. en

**Amendment 29**  
**Antolín Sánchez Presedo**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

**5. Stresses that private enforcement already exists in most of the Member States; takes note of the Commission's ideas concerning EU-wide collective redress; calls on the Commission to take careful note of all the potential risks that have been observed in other jurisdictions, including the USA;**

*Amendment*

**5. Recalls the European Parliament resolution of 26 March 2009 on the White Paper on damages actions for breach of the antitrust rules and considers that any initiative in this regard must be coherent with its content;**

Or. en

**Amendment 30**  
**Derk Jan Eppink**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Stresses that private enforcement already exists in most of the Member States; takes note of the Commission's ideas concerning EU-wide collective redress; calls on the Commission to take careful note of all the potential risks that have been observed in other jurisdictions, **including the USA;**

*Amendment*

5. Stresses that private enforcement already exists in most of the Member States; takes note of the Commission's ideas concerning EU-wide collective redress; calls on the Commission to take careful note of all the potential risks that have been observed in other jurisdictions; **stresses that any EU instrument on collective redress should be limited to introducing a non-binding framework outlining common minimum standards, in line with the principles of subsidiarity and proportionality; believes**



*that the specific issues arising in the competition field should be laid down in separate competition-specific legislative instruments;*

Or. en

**Amendment 31**  
**Sophia in 't Veld**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Stresses that private enforcement already exists in most of the Member States; **takes note of** the Commission's ideas concerning EU-wide collective redress; calls on the Commission to take careful note of all the potential risks that have been observed in other jurisdictions, including the USA;

*Amendment*

5. Stresses that **forms of** private enforcement already exists in most of the Member States, **but that the national systems are widely divergent, and many Member States do not have explicitly established specific rules on collective redress, including judicial redress; welcomes** the Commission's ideas concerning EU-wide collective redress; calls on the Commission to take careful note of all the potential risks that have been observed in other jurisdictions, including the USA **such as abusive litigation and unmeritorious claims;**

Or. en

**Amendment 32**  
**Peter Skinner**

**Motion for a resolution**  
**Paragraph 5**

*Motion for a resolution*

5. Stresses that private enforcement already exists in most of the Member States; takes note of the Commission's ideas concerning EU-wide collective redress; calls on the

*Amendment*

5. Stresses that private enforcement already exists in most of the Member States; takes note of the Commission's ideas concerning EU-wide collective redress; calls on the

Commission to take careful note of all the potential risks that have been observed in other jurisdictions, **including the USA**;

Commission to take careful note of all the potential risks **and successes** that have been observed in other jurisdictions;

Or. en

**Amendment 33**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 5 a (new)**

*Motion for a resolution*

*Amendment*

***5a. Welcomes the Commission's work towards a coherent European approach to collective redress and calls in this context on the Commission to come forward with sector specific initiatives, as in the fields of competition, consumer protection and the environment, where a specific need has been identified, as well as with a framework including minimum standards for an EU-consistent system;***

Or. en

**Amendment 34**  
**Andreas Schwab**

**Motion for a resolution**  
**Paragraph 5 a (new)**

*Motion for a resolution*

*Amendment*

***5a. Takes a positive view, furthermore, of the setting-up of ADR schemes at European level so as to allow fast and cheap settlement of disputes as a more attractive option than court proceedings; is of the opinion that the parties concerned should seek to resolve disputes by consensus before launching collective***

*court proceedings;*

Or. de

**Amendment 35**  
**Derk Jan Eppink**

**Motion for a resolution**  
**Paragraph 6**

*Motion for a resolution*

6. Calls on the Commission to incorporate the basis for calculating fines, along with new fining principles, into Regulation (EC) No 1/2003;

*Amendment*

6. Calls on the Commission *once more* to incorporate the basis for calculating fines, along with new fining principles, into Regulation (EC) No 1/2003;

Or. en

**Amendment 36**  
**Peter Skinner**

**Motion for a resolution**  
**Paragraph 6**

*Motion for a resolution*

6. Calls on the Commission to incorporate *the* basis for calculating fines, along with new fining principles, into Regulation (EC) No 1/2003;

*Amendment*

6. Calls on the Commission to incorporate *a detailed* basis for calculating fines, along with new fining principles, into Regulation (EC) No 1/2003;

Or. en

**Amendment 37**  
**Derk Jan Eppink**

**Motion for a resolution**  
**Paragraph 6 a (new)**

*Motion for a resolution*

*Amendment*

***6a. 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 an inability to make payments; emphasises that a policy of high fines should not be used as an alternative budget financing mechanism; 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 38**  
**Sophia in 't Veld**

**Motion for a resolution**  
**Paragraph 6 a (new)**

*Motion for a resolution*

*Amendment*

***6a. Believes that the use of ever higher fines as the sole antitrust instrument may be too blunt; therefore 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 39**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 7**

*Motion for a resolution*

7. Welcomes the use of the settlement procedure in cartel cases with a view to making the process more efficient; is concerned about the increased number of requests for fine reduction on account of an inability to pay, particularly from ‘mono-product’ undertakings and SMEs;

*Amendment*

7. Welcomes the use of the settlement procedure in cartel cases with a view to making the process more efficient; is concerned about the increased number of requests for fine reduction on account of an inability to pay, particularly from ‘mono-product’ undertakings and SMEs; ***deems that a system of delayed and/or split payments could be considered as an alternative to fine reduction;***

Or. en

**Amendment 40**

**Philippe Lamberts**

on behalf of the Verts/ALE Group

**Motion for a resolution**

**Paragraph 7 a (new)**

*Motion for a resolution*

*Amendment*

***7a. Calls on the Commission to explore the possibility of establishing a separate procedure for cartel cases with an independent tribunal presided over by a judicial panel, as a way to dispatch cases with greater speed;***

Or. en

**Amendment 41**

**Philippe Lamberts**

on behalf of the Verts/ALE Group

**Motion for a resolution**

**Paragraph 7 b (new)**

*Motion for a resolution*

*Amendment*

***7b. Urges the Commission to increase the***

*effectiveness of the penalty system for price-fixers, by assessing the possibility of introducing individual sanctions (such as individual fines or director disqualification) against executives, as well as providing less focus on the application of the turnover criteria in the calculation of fines and greater focus on the actual effect of the cartel on the market;*

Or. en

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

**Motion for a resolution**  
**Paragraph 7 c (new)**

*Motion for a resolution*

*Amendment*

*7c. Encourages the Commission to consider greater incentives to encourage more applicants to come forward with evidence of cartel activity, including the protection of leniency applicants from civil claims, the adoption of an ‘Amnesty Plus’ procedure, and the abandonment of prosecutorial discretion as a way to foster legal certainty;*

Or. en

**Amendment 43**  
**Peter Skinner**

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

*Amendment*

*8. Believes that, as regards decisions on fines, the existence of robust compliance*

*deleted*

*programmes should not have negative implications for the infringer;*

Or. en

**Amendment 44**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

8. Believes that, as regards decisions on fines, the existence of robust compliance programmes should not have negative implications for the infringer;

*Amendment*

8. Believes that, as regards decisions on fines, the existence of robust compliance programmes should not have negative implications for the infringer ***beyond what is a proportionate remedy to the infringement;***

Or. en

**Amendment 45**  
**Derk Jan Eppink**

**Motion for a resolution**  
**Paragraph 8 a (new)**

*Motion for a resolution*

*Amendment*

***8a. Urges the Commission to take a closer look at trickle-down economics when analysing possible abuses of dominant positions, when it discovers that the dominant position has not been abused;***

Or. en

**Amendment 46**  
**Rolandas Paksas**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

9. Encourages the Commission to review its fining guidelines and to regulate – with due regard for the principle of subsidiarity – the interaction between public and private liabilities under EU antitrust law; encourages the Commission to make sure fines take into account any compensation already paid to third parties; urges the Commission to initiate a review on ways to encourage the infringer to pay damages on an out-of-court settlement basis before the final decision on the fine is taken;

*Amendment*

9. Encourages the Commission to review its fining guidelines and to regulate – with due regard for ***the extent of the losses suffered by consumers and the market*** and the principle of subsidiarity – the interaction between public and private liabilities under EU antitrust law; encourages the Commission to make sure fines take into account any compensation already paid to third parties; urges the Commission to initiate a review on ways to encourage the infringer to pay damages on an out-of-court settlement basis before the final decision on the fine is taken;

Or. It

**Amendment 47**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 11**

*Motion for a resolution*

11. Stresses that, as regards recidivism, a clear connection should be established between, on one hand, the infringement under investigation and past infringements and, on the other, the undertaking concerned; emphasises that, most importantly, a maximum time-limit should be ***introduced***;

*Amendment*

11. Stresses that, as regards recidivism, a clear connection should be established between, on one hand, the infringement under investigation and past infringements and, on the other, the undertaking concerned; emphasises that, most importantly, a maximum time-limit should be ***taken into consideration***;

Or. en

**Amendment 48**  
**Derk Jan Eppink**



**Motion for a resolution**  
**Paragraph 12**

*Motion for a resolution*

12. Believes that the economic and financial crisis cannot justify a **more benevolent assessment** of merger **cases**; calls on the Commission to ensure that mergers designed to rescue or restructure ailing banks do not create more ‘too big to fail’ institutions;

*Amendment*

12. Believes that the economic and financial crisis cannot justify a **relaxation** of **EU merger control policies**; calls on the Commission to ensure that mergers designed to rescue or restructure ailing banks do not create more ‘too big to fail’ institutions;

Or. en

**Amendment 49**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 12**

*Motion for a resolution*

12. Believes that the economic and financial crisis cannot justify a more benevolent assessment of merger cases; calls on the Commission to ensure that mergers designed to rescue or restructure ailing banks do not create **more** ‘too big to fail’ institutions;

*Amendment*

12. Believes that the economic and financial crisis cannot justify a more benevolent assessment of merger cases; calls on the Commission to ensure that mergers **and in particular mergers** designed to rescue or restructure ailing banks do not create ‘too big to fail’ **and more generally systemic** institutions;

Or. en

**Amendment 50**  
**Peter Skinner**

**Motion for a resolution**  
**Paragraph 12**

*Motion for a resolution*

12. Believes that the economic and financial crisis cannot justify a more **benevolent** assessment of merger cases; calls on the Commission to ensure that mergers designed to rescue or restructure ailing banks do not create more 'too big to fail' institutions;

*Amendment*

12. Believes that the economic and financial crisis cannot justify a more **lenient** assessment of merger cases; calls on the Commission to ensure that mergers designed to rescue or restructure ailing banks do not create more 'too big to fail' institutions;

Or. en

**Amendment 51**  
**Derk Jan Eppink**

**Motion for a resolution**  
**Paragraph 12 a (new)**

*Motion for a resolution*

*Amendment*

***12a. Underlines that the application of competition rules to mergers must be evaluated from the perspective of the entire internal market;***

Or. en

**Amendment 52**  
**Sophia in 't Veld**

**Motion for a resolution**  
**Paragraph 14 a (new)**

*Motion for a resolution*

*Amendment*

***14a. Invites the Commission to set out criteria applicable for launching a sector inquiry; takes the view that the Commission should act not only on complaints from industry or consumers, but also on the recommendation of Parliament;***

**Amendment 53**  
**Gunnar Hökmark**

**Motion for a resolution**  
**Paragraph 14 a (new)**

*Motion for a resolution*

*Amendment*

***14a. Underlines the importance of fostering competition in all sectors and not least in the service sector, which constitutes 70 % of the European economy; further highlights the right to establish new companies and services;***

**Amendment 54**  
**Gunnar Hökmark**

**Motion for a resolution**  
**Paragraph 14 b (new)**

*Motion for a resolution*

*Amendment*

***14b. Highlights the importance of those parts of the service sector which in Members States are seen as services of general economic interest and underlines the need for plurality and competition also in these areas; recalls the need for higher quality and new ways to provide services and notes that these industries would enhance European competitiveness if opened up for export and development;***

**Amendment 55**  
**Elisa Ferreira**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Welcomes the Commission's Energy 2020 initiative; urges the Commission to pursue the full implementation of the internal energy market package; encourages the Commission, insofar as an open and competitive single market in energy has not yet been fully achieved, actively to monitor competition in energy markets;

*Amendment*

15. Welcomes the Commission's Energy 2020 initiative; urges the Commission to pursue the full implementation of the internal energy market package; encourages the Commission, insofar as an open and competitive single market in energy has not yet been fully achieved, actively to monitor competition in energy markets, *specifically whenever privatisation of public utilities originates in private monopolistic or oligopolistic markets in countries with weak regulatory and supervisory structures;*

Or. en

**Amendment 56**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. **Welcomes** the Commission's Energy 2020 initiative; urges the Commission to pursue the full implementation of the internal energy market package; encourages the Commission, insofar as an open and competitive single market in energy has not yet been fully achieved, actively to monitor competition in energy markets;

*Amendment*

15. **Takes note of** the Commission's Energy 2020 initiative; urges the Commission to pursue the full implementation of the internal energy market package; encourages the Commission, insofar as an open and competitive single market in energy has not yet been fully achieved, actively to monitor competition in energy markets;

Or. en

**Amendment 57**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 15 a (new)**

*Motion for a resolution*

*Amendment*

***15a. Recalls its invitation to 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 58**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 15 b (new)**

*Motion for a resolution*

*Amendment*

***15b. Recalls its invitation the Commission to examine in its next annual report 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 such as photovoltaic panels and lithium-ion batteries;***

Or. en

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

**Motion for a resolution**  
**Paragraph 15 c (new)**

*Motion for a resolution*

*Amendment*

***15c. Deems that the forthcoming Commission proposal on EU 2020 Project Bonds could and should be a major vector for the development of services of general interest in the Member States as well as at European Union level; underlines that procedures established with that purpose should be explicitly laid down in a project eligibility framework to be defined following the ordinary legislative procedure;***

Or. en

**Amendment 60**  
**Derk Jan Eppink**

**Motion for a resolution**  
**Paragraph 15 a (new)**

*Motion for a resolution*

*Amendment*

***15a. Urges the Commission to treat competition issues in a complex environment such as multilateral payments with due care; believes that specific issues arising in this field should be addressed on a case-by-case basis;***

Or. en

**Amendment 61**  
**Ramon Tremosa i Balcells**

**Motion for a resolution**  
**Paragraph 15 a (new)**

*Motion for a resolution*

*Amendment*

***15a. Welcomes the efforts that the Commission is making in order to open up competition in the credit rating agencies sector and calls on the Commission to ensure that all rating agencies abide by the highest standards of integrity, disclosure, transparency and conflict of interest management as set out in the requirements of Regulation (EC) No 1060/2009 in order to ensure the quality of ratings and to avoid ‘rating shopping’;***

Or. en

**Amendment 62**  
**Elisa Ferreira**

**Motion for a resolution**  
**Paragraph 15 a (new)**

*Motion for a resolution*

*Amendment*

***15a. Calls on the Commission to thoroughly investigate competition in the credit rating agencies market, particularly in so far as barriers to entry, alleged collusive practices and abuse of dominant positions are concerned;***

Or. en

**Amendment 63**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 15 d (new)**

*Motion for a resolution*

*Amendment*

***15d. Calls for the Commission to actively monitor developments in commodity-related markets following the conclusions of the European Council of June 2008 (paragraph 40) and to push forward ambitious legislative proposals within the revision of MiFID and MAD framework in order to tackle speculative practices which adversely affects European industry and generate distortion in the Single Market; asks the Commission to add a section in its next annual competition summarising its monitoring activities on potential market distortions related to developments in commodity-related activities;***

Or. en

**Amendment 64**

**Philippe Lamberts**

on behalf of the Verts/ALE Group

**Motion for a resolution**

**Paragraph 15 e (new)**

*Motion for a resolution*

*Amendment*

***15e. Underlines that recent investigations carried out by US, UK and Japan regulators have revealed that, during the crisis, evidence has emerged that US and European banks have manipulated LIBOR rates; is therefore concerned about potential market distortions generated by such practices; asks the Commission in this regard to highlight in its next annual Competition report its preliminary conclusions and assessment on this matter;***

Or. en



**Amendment 65**  
**Elisa Ferreira**

**Motion for a resolution**  
**Paragraph 15 b (new)**

*Motion for a resolution*

*Amendment*

***15b. Encourages the Commission to investigate the competition situation in the retail sector, in particular the consequences of alleged abuse of market power by dominant retail chains with negative consequences for small retailers and producers, namely in the agriculture and food market;***

Or. en

**Amendment 66**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 15 f (new)**

*Motion for a resolution*

*Amendment*

***15f. Recalls its demands to 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

**Amendment 67**  
**Diogo Feio**

**Motion for a resolution**  
**Paragraph 15 a (new)**

*Motion for a resolution*

*Amendment*

***15a. Points out that there are innumerable cases of undertakings occupying a clearly dominant position in the new-technology markets, particularly the internet, without causing any actual harm for users of these platforms or products and without leading to abusive practices or closure of the market; encourages the Commission, bearing in mind the particularly volatile nature of these markets, where one day's dominant position can be the next day's marginal one, to adopt specific sectoral guidelines for these markets;***

Or. pt

**Amendment 68**  
**Sophia in 't Veld**

**Motion for a resolution**  
**Paragraph 15 a (new)**

*Motion for a resolution*

*Amendment*

***15a. Reiterates its call on the Commission to conduct a sector inquiry into on-line advertising and search engines;***

Or. en

**Amendment 69**  
**Sophia in 't Veld**

**Motion for a resolution**  
**Paragraph 15 b (new)**

*Motion for a resolution*

*Amendment*

***15b. Reiterates its call for an inquiry into the application of public procurement***

*rules, and whether national differences lead to a distortion of competition;*

Or. en

**Amendment 70**  
**Ramon Tremosa i Balcells**

**Motion for a resolution**  
**Paragraph 15 b (new)**

*Motion for a resolution*

*Amendment*

*15b. Calls on the Commission to ensure that bilateral agreements between countries in the air transport sector do not give formal preference to a specific airport for flights going from one country to another;*

Or. en

**Amendment 71**  
**Diogo Feio**

**Motion for a resolution**  
**Paragraph 15 b (new)**

*Motion for a resolution*

*Amendment*

*15b. Urges the Commission to analyse the aviation sector, in particular code-share agreements between airlines which in many cases do not produce any benefits for consumers but merely contribute to greater closure of the market, leading to abuses of dominant positions and concerted practices between undertakings which would otherwise have to act competitively;*

Or. pt

**Amendment 72**  
**Diogo Feio**

**Motion for a resolution**  
**Paragraph 15 c (new)**

*Motion for a resolution*

*Amendment*

***15c. Urges the Commission to pay particular attention to examining oligopolistic markets, since the existence of sectors where competition is limited generally leads to absence of innovation, abusive practices and a deterioration in the quality of the products and services provided, causing genuine harm to consumers and the market;***

Or. pt

**Amendment 73**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 15 g (new)**

*Motion for a resolution*

*Amendment*

***15g. Deems that competition policy should contribute to promoting and enforcing open standards and interoperability in order to prevent the technological lock-in of consumers and clients by a minority of market players;***

Or. en

**Amendment 74**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 15 h (new)**

*Motion for a resolution*

*Amendment*

***15h. 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 incentive to play their part in the transition to an eco-efficient economy;***

Or. en

**Amendment 75**  
**Sophia in 't Veld**

**Motion for a resolution**  
**Paragraph 17**

*Motion for a resolution*

*Amendment*

17. Calls, on the occasion of the 40th anniversary of the Commission's Report on Competition Policy, for the conclusion of an agreement between Parliament and the Commission setting up ***a comprehensive dialogue on competition policy;***

17. Calls, on the occasion of the 40th anniversary of the Commission's Report on Competition Policy, for the conclusion of an agreement between Parliament and the Commission ***that should strengthen the role of the European Parliament as the directly elected body representing European citizens; this Agreement should institutionalise regular dialogue between the Commission and the European Parliament by setting out the procedures and commitments regarding the follow up given to European Parliament recommendations;***

Or. en

**Amendment 76**  
**Sophia in 't Veld**

**Motion for a resolution**  
**Paragraph 17 a (new)**

*Motion for a resolution*

*Amendment*

***17a. Highlights that, without prejudice to the Commission's exclusive powers under the Treaty, this Interinstitutional Agreement should enable the European Parliament to co-shape policies and should lead to de facto accountability of the European Commission in the field of competition policy; the Agreement should set up an Interinstitutional Panel where the Commission reports at least twice a year on the follow up to the European Parliament's recommendations in the spirit of 'comply or explain';***

Or. en

**Amendment 77**  
**Gunnar Hökmark**

**Motion for a resolution**  
**Paragraph 18 – indent 1 a (new)**

*Motion for a resolution*

*Amendment*

***– a description of the development of State aid in the light of its aim to decrease the allocated amounts and target the funds more effectively;***

Or. en