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Committee on the Internal Market and Consumer Protection

2013/2093(INI)

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DRAFT COMPROMISE AMENDMENTS 1 - 13

Draft report
Cornelis de Jong
(PE 519.470v01)

a European Retail Action Plan for the benefit of all actors
(2013/2093(INI))

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United in diversity

EN

Amendment 1

Rapporteur

Compromise amendment covering AM 3 Irigoyen Pérez, AM 4 Corazza Bildt et al

Motion for a resolution

Recital A a (new)

Motion for a resolution

Amendment

Aa. whereas the strategic importance of the retail sector has to be fully recognised as a driver for growth, employment, competitiveness and innovation as well as for the strengthening of the European single market;

Or. en

Amendment 2

Rapporteur

Compromise amendment covering AM 8 Harbour, AM 9 Corazza Bildt et al, AM 10 Løkkegaard

Motion for a resolution

Recital D

Motion for a resolution

Amendment

D. whereas unfair trading practices (UTPs) continue to exist and negatively affect, *in particular*, farmers and *small producing companies*;

D. whereas unfair trading practices (UTPs) continue to exist and negatively affect *the entire supply chain, including* farmers and *SMEs; whereas UTPs also impact negatively on consumer interests as well as on growth and job creation;*

Or. en

Amendment 3

Rapporteur

Compromise amendment covering AM 14 Corazza Bildt et al, AM 15 Bielan, AM 16 Obermayer, AM 17 Salvini, AM 18 Creutzmann

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Welcomes the Commission's intention to create a permanent Group on Retail Competitiveness, but emphasises the importance of balanced representation, including of both big and small retailers, co-operatives and consumer, environmental and social interests;

Amendment

3. Welcomes the Commission's intention to create a permanent Group on Retail Competitiveness, but emphasises the importance of balanced representation, including *inter alia* of both big and small retailers, *suppliers*, co-operatives and consumer, environmental and social interests; ***calls on the Commission to take a holistic approach to retail, avoiding duplication and extra bureaucracy, and to ensure coherence and close co-ordination with other existing fora, such as the yearly Retail Market Roundtable;***

Or. en

Amendment 4

Rapporteur

Compromise amendment covering AM 21cp Corazza Bildt et al, AM 22 Irigoyen Pérez

Motion for a resolution

Paragraph 4 and Paragraph 4 a (new)

Motion for a resolution

4. Urges Member States not to take measures in the context of austerity policies that undermine consumer confidence and directly harm the interests of the retail sector, such as increasing VAT or raising charges for shops;

Amendment

4. Urges Member States not to take measures in the context of austerity policies that undermine consumer confidence and directly harm the interests of the retail sector, such as increasing VAT, ***reclassifying products and product rates*** or raising charges for shops; ***reiterates the importance of improving access to finance, in particular for retail and wholesale trade SMEs; welcomes in this regard the Commission Action Plan of 2011 and the recent legislative proposals aimed at maintaining the flow of credits to SMEs and to improve their access to capital markets;***

4a. Emphasises that Member States have to refrain from discriminatory measures,

such as trade and tax laws that only affect certain sectors or business models and distort competition;

Or. en

Amendment 5

Rapporteur

Compromise amendment covering AM 21cp Corazza Bildt et al, AM 24 Corazza Bildt et al, AM 25 Løkkegaard, AM 27 Schwab/Handzlik, AM 28 Corazza Bildt et al, AM 29 Irigoyen Pérez, AM 30 Corazza Bildt et al

Motion for a resolution

Paragraph 5 and Paragraph 5 a (new)

Motion for a resolution

5. Calls on the Commission and Member States to give the highest political prominence to the retail sector as a pillar of the Single Market, including the Digital Single Market, and to lift practical obstacles making it difficult for retailers to fully benefit from the internal market;

Amendment

5. Calls on the Commission and Member States to give the highest political prominence to the retail sector as a pillar of the Single Market, including the Digital Single Market, and to lift ***regulatory, administrative and*** practical obstacles ***hampering business start-up, development and continuity and*** making it difficult for retailers to fully benefit from the internal market; ***considers that retail market legislation should take into account the needs of the sector, and should in particular be based on an examination and understanding of its impact on small businesses;***

5a. Asks Member States to transpose internal market rules in a coherent and consistent way and to fully and correctly implement the internal market rules and legislation; stresses that requirements for extra tests and registrations, non-recognition of certificates and standards, territorial supply constraints and similar measures create extra costs for consumers and retailers, in particular SMEs, thus depriving European citizens of the full benefits of the Single Market; also calls on the Commission with the aim of

ensuring better governance, to operate a zero-tolerance policy towards those Member States which fail properly to apply internal market rules and to do so, where appropriate, by means of infringement procedures, and by speeding up those procedures through a fast-track approach;

Or. en

Amendment 6

Rapporteur

Compromise amendment covering AM 32 Corazza Bildt/Kelly, AM 33 Løkkegaard, AM 34 Irigoyen Pérez

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Welcomes the Commission's intention to develop instruments to facilitate consumer access to transparent and reliable information on the prices, quality and sustainability of goods and services; encourages the Commission to set up an easily accessible database containing all EU and national labelling requirements; at the same time warns against the multiplication of labels and labelling requirements and calls for simplification, **preferably** bringing together various aspects of **social and environmental** sustainability in one label, while reducing differences in national mandatory labelling requirements;

Amendment

6. Welcomes the Commission's intention to develop instruments to facilitate consumer access to transparent, **easily understandable, comparable**, and reliable information on the prices, quality and sustainability of goods and services; encourages the Commission to set up an easily accessible database containing all EU and national labelling requirements; at the same time warns against the multiplication of labels and labelling requirements and calls for simplification, **including by** bringing together various aspects of sustainability in one label, while reducing differences in national mandatory labelling requirements **and establishing common benchmarks/criteria at EU-level, where appropriate;**

Or. en

Amendment 7

Rapporteur

Compromise amendment covering AM 36 Corazza Bildt/Kelly, AM 37 Harbour

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Asks the Commission to supplement its Action Plan **with a set of** actions aimed at supporting the independent retailer, such as: the encouragement of the ‘adopt-a-shop’ principle by which **bigger** retailers act as ‘mentors’ to smaller shops in **their immediate vicinity**; the promotion of groups of independent retailers, including co-operatives, which benefit from mutual assistance and certain economies of scale, whilst retaining their full independence; respect for the right of local and regional authorities to stimulate **in certain shopping areas (e.g. the ‘high streets’)** a climate favourable to small, independent shops by lowering energy rates and rents via public-private partnerships, by introducing business rate discounts on local charges for small businesses and independent retailers and by promoting co-operation between the various shops in that area;

Amendment

7. Asks the Commission, **when implementing** its Action Plan, **to pay particular attention to** actions aimed at supporting the independent retailer; **encourages local and regional authorities to promote actions aimed at facilitating equal access and creating a level-playing field for the independent retailer, in full respect of free and fair competition**, such as: the encouragement of the ‘adopt-a-shop’ principle by which **larger** retailers act as ‘mentors’ to smaller shops in **the same locality, in particular for new market entrants**; the promotion of groups of independent retailers, including co-operatives, which benefit from mutual assistance and certain economies of scale, whilst retaining their full independence; respect for the right of local and regional authorities to stimulate a climate favourable to small, independent shops, **which are typically established in town centres**, by lowering energy rates and rents via public-private partnerships, **and** by introducing business rate discounts on local charges for small businesses and independent retailers, **in compliance with applicable EU State Aid Competition and Internal Market Public Procurement rules**, and by promoting co-operation between the various shops in that area;

Or. en

Amendment 8

Rapporteur

Compromise amendment covering AM 41 Corazza Bildt/Kelly, AM 43 Bielan

Motion for a resolution

Paragraph 8

Motion for a resolution

8. ***Warns against the tendency of some local and regional authorities to continue to develop large-scale projects, such as shopping malls and plazas outside the city centres, given that,*** especially in view of the economic crisis, the saturation point has already been reached; notes that rents in such shopping centres are normally too high for smaller, independent shops and calls on the Commission, in co-operation with the Member States, to draw up a survey of their economic, social and environmental effects;

Amendment

8. ***Recalls that, while a concentration of shops outside city centres can be convenient for some consumers, it can also have negative environmental effects and can be a challenge for other consumers, in particular for older people, people with reduced mobility or without a car; calls therefore for a balanced approach by*** local and regional authorities, ***also taking into account that in many regions,*** especially in view of the economic crisis, the saturation point has already been reached; notes that rents in such shopping centres are normally too high for smaller, independent shops and calls on the Commission, in co-operation with the Member States, to draw up a survey of their economic, social and environmental effects;

Or. en

Amendment 9

Rapporteur

Compromise amendment covering AM 61 Harbour, AM 62 Schwab

Motion for a resolution

Paragraph 14

Motion for a resolution

14. ***Expresses its concern about the erosion of the rights of franchisees versus the franchising company*** and calls for transparent and fair contracts; in particular, draws the attention of the Commission and Member States to problems faced by franchisees who want to sell their business

Amendment

14. ***Welcomes franchising as a business model which supports new business and small-business ownership; however, notes the existence of unfair contract terms in certain cases*** and calls for transparent and fair contracts; in particular, draws the attention of the Commission and Member

or change their business formula, whilst remaining active in the same sector; requests the Commission to examine the effects of long-term competition clauses, purchase options and the prohibition of multi-franchising and to reconsider in this respect the current exemption from competition rules for contracting parties having a market share of less than 30%;

States to problems faced by franchisees who want to sell their business or change their business formula, whilst remaining active in the same sector; requests the Commission to examine ***the ban on price-fixing mechanisms in franchise systems*** and the effects of long-term competition clauses, purchase options and the prohibition of multi-franchising and to reconsider in this respect the current exemption from competition rules for contracting parties having a market share of less than 30%;

Or. en

Amendment 10

Rapporteur

Compromise amendment covering AM 64 Corazza Bildt/Kelly, AM 65 McGuinness, AM 66 Stihler

Motion for a resolution

Paragraph 15

Motion for a resolution

15. Supports the work of the High Level Forum for a Better Functioning Food Supply Chain and its Experts Platform on B2B contractual practices; considers that the Parliament should urgently resolve pending issues relating to its participation in the Forum's work; stresses that UTPs also occur in the non-food supply chain ***and*** asks the Commission and the business federations to ***explore the possibilities for creating a new, open-ended forum focusing on retail as a whole***;

Amendment

15. Supports the work of the High Level Forum for a Better Functioning Food Supply Chain and its Experts Platform on B2B contractual practices; considers that the Parliament should urgently resolve pending issues relating to its participation in the Forum's work; ***emphasises that negative developments in the food supply chain, in particular, should continue to be monitored by the Commission***; stresses that UTPs also occur in the non-food supply chain ***and may cause serious damage to producers and suppliers, including those in third countries***; asks ***therefore*** the Commission and the business federations to ***pursue a constructive and cross-sector dialogue in the existing fora, including also the yearly Retail Market Roundtable and the Commission's forthcoming Group on Retail Competitiveness***;

Amendment 11**Rapporteur**

Compromise amendment covering AM 67 Salvini, AM 68 Stihler, AM 69 McGuinness, AM 70 Obermayr, AM 71 Corazza Bildt et al

Motion for a resolution**Paragraph 16***Motion for a resolution*

16. Welcomes the principles of good practice and the list of examples of unfair and fair practices in vertical trading relationships in the food supply chain, as well as the framework for the implementation and enforcement of these principles; emphasises that, if *these are* to have a practical effect, it is *important that* all actors in the food supply chain participate, including farmers' organisations as well as the manufacturing and wholesale distribution industries; *requests* the Commission to review the effects of the voluntary initiative within *two years* of its entry into force, and to propose additional actions *should this be necessary*;

Amendment

16. Welcomes the principles of good practice and the list of examples of unfair and fair practices in vertical trading relationships in the food supply chain, as well as the framework for the implementation and enforcement of these principles; *welcomes the trade associations recognition of the need for enforcement and* emphasises that, if *an enforcement mechanism is* to have a practical effect, it is *vital that it has the respect of* all actors in the food supply chain *and that all* participate, including farmers' organisations as well as the manufacturing and wholesale distribution industries; *calls on* the Commission to review the *practical* effects of the voluntary initiative, *including the enforcement of the principles of good practice*, within *one year* of its entry into force *and to consider, in particular, the need for additional independent enforcement mechanisms*;

Or. en

Amendment 12**Rapporteur**

Compromise amendment covering AM 76 Stihler, AM 77 Salvini, AM 78 Schwab/Handzlik, AM 79 McGuinness, AM 80 Obermayer, AM 81 Corazza Bildt/Kelly, AM 82 Bielan

Motion for a resolution**Paragraph 17**

Motion for a resolution

17. Considers that ***it is often difficult for*** weaker market parties to complain about UTPs and emphasises the important role of associations ***of enterprises*** which should be able to submit such complaints on their behalf, ***while ensuring confidentiality, to*** an ombudsman or adjudicator ***who should have*** the power to take ex officio action in the case of ***information about certain worrying trends***;

Amendment

17. Considers that weaker market parties, ***particularly farmers and other suppliers, often regard it as difficult*** to complain about UTPs and emphasises the important role of associations which should be able to submit such complaints on their behalf; ***invites the Commission to examine the need for and feasibility of*** an ombudsman or adjudicator ***with*** the power to take ex officio action in the case of ***evidence-based UTPs***;

Or. en

Amendment 13

Rapporteur

Compromise amendment covering AM 84 De Jong, AM 85 Roithová, AM 86 Salvini, AM 87 Obermayr

Motion for a resolution

Paragraph 18

Motion for a resolution

18. Calls on the Commission to propose EU legislation aimed at prohibiting below-cost selling in the food sector and to ***provide*** a definition of 'economic dependency' which should make both Member States and the business community more vigilant in ***respect of*** UTPs;

Amendment

18. ***Stresses that consumers have the right to know how the price of a product is determined; notes that consumers often are not aware that supermarkets, by selling at dramatically reduced prices, possibly negatively affect both the farmer income as well as working conditions and remuneration of supermarket and suppliers' staff***; calls ***therefore*** on the Commission to propose EU legislation aimed at prohibiting below-cost selling in the food sector and to ***propose appropriate changes to EU competition legislation to accommodate a wide*** definition of 'economic dependency' ***and other circumstances leading to companies accumulating buying power***, which should make both the Member States and the business community more vigilant in ***the development of such dominant market positions, which often facilitate*** UTPs;

