



2017/2191(INI)

5.10.2017

AMENDMENTS

1 - 69

Draft opinion
Christel Schaldemose
Annual report on Competition Policy
(2017/2191(INI))

Amendment 1
Maria Grapini

Draft opinion
Paragraph 1

Draft opinion

1. Recalls that competition policy is closely interlinked with taxation policy; encourages the Commission to strengthen its efforts to tackle illegal state aid and taxation rules that distort competition in the internal market;

Amendment

1. Recalls that competition policy is closely interlinked with taxation policy; encourages the Commission to strengthen its efforts to tackle illegal state aid and taxation rules that distort competition in the internal market ***and particularly affect micro-enterprises; notes that it will also be necessary to ensure that precise and efficient competition rules are laid down, maintained and complied with;***

Or. ro

Amendment 2
Dita Charanzová, Nosheena Mobarik, Jiří Pospíšil, Morten Løkkegaard, Kaja Kallas, Jasenko Selimovic

Draft opinion
Paragraph 1

Draft opinion

1. ***Recalls that competition policy is closely interlinked with taxation policy;*** encourages the Commission to strengthen its efforts to tackle illegal state aid ***and taxation rules*** that distort competition in the internal market;

Amendment

1. Encourages the Commission to strengthen its efforts to tackle ***all types of*** illegal state aid that distort competition in the internal market;

Or. en

Amendment 3
Andreas Schwab, Eva Maydell

Draft opinion
Paragraph 1

Draft opinion

1. Recalls that ***competition policy is closely interlinked with taxation policy; encourages the Commission to strengthen its efforts to tackle illegal state aid and taxation rules*** that distort competition in the internal market;

Amendment

1. Recalls that ***fair tax competition is essential for the integrity of the internal market and a level playing field; welcomes the efforts by the Commission*** to tackle illegal state aid ***in the form of tax decisions*** that distort competition in the internal market;

Or. de

Amendment 4

Mylène Troszczynski

Draft opinion

Paragraph 1

Draft opinion

1. Recalls that competition policy is closely interlinked with taxation policy; encourages the Commission to strengthen its efforts to tackle ***illegal state aid*** and taxation rules that distort competition in the internal market;

Amendment

1. Recalls that competition policy is closely interlinked with taxation policy; encourages the Commission to strengthen its efforts to tackle ***social dumping*** and taxation rules that ***may*** distort competition in the internal market;

Or. fr

Amendment 5

Adam Szejnfeld

Draft opinion

Paragraph 1 a (new)

Draft opinion

1a. ***Stresses that monopolies and oligopolies, in particular, violate the principles of fair competition in services, trade and investment, and often harm the legitimate interests of consumers; calls, therefore, on the Commission to step up its efforts against monopolistic practices that distort competition;***

Amendment

Or. pl

Amendment 6
Maria Grapini

Draft opinion
Paragraph 2

Draft opinion

2. Supports the Commission's investigations into anti-competitive practices such as selective tax advantages or excess profit ruling systems; emphasises that if there is to be a well-functioning internal market all players need to pay their fair share of tax;

Amendment

2. Supports the Commission's investigations into anti-competitive practices such as selective tax advantages or excess profit ruling systems; emphasises that if there is to be a well-functioning internal market all players need to pay their fair share of tax; ***considers it necessary to have a solid regulatory and supervisory framework with transparent rules that will guarantee access to the market for all companies, including SMEs;***

Or. ro

Amendment 7
Jiří Pospíšil

Draft opinion
Paragraph 2

Draft opinion

2. Supports the Commission's investigations into anti-competitive practices ***such as selective tax advantages or excess profit ruling systems;*** emphasises that if there is to be a well-functioning internal market all ***players need to pay their fair share of tax;***

Amendment

2. Supports the Commission's investigations into anti-competitive practices; ***stresses that Member States have to pay due attention to the EU State Aid rules when granting state aid;*** emphasises that if there is to be a well-functioning internal market all ***entities should benefit from equal treatment;***

Or. en

Amendment 8
Dita Charanzová, Nosheena Mobarik, Morten Løkkegaard, Kaja Kallas, Jasenko Selimovic

Draft opinion
Paragraph 2

Draft opinion

2. Supports the Commission's investigations into anti-competitive practices such as *selective tax advantages or excess profit ruling systems*; emphasises that *if there is to be* a well-functioning internal market *all players need to pay their fair share of tax*;

Amendment

2. Supports the Commission's investigations into anti-competitive practices such as *fiscal state aids incompatible with the competition rules*; emphasises that *equal treatment of all entities is crucial for* a well-functioning internal market;

Or. en

Amendment 9
Jan Philipp Albrecht

Draft opinion
Paragraph 3

Draft opinion

3. *Acknowledges* the Commission's efforts to combat unfair competition in high-profile cases against well-known companies, but stresses that the enforcement of fair competition in the case of SMEs is also of the utmost importance;

Amendment

3. *Welcomes* the Commission's efforts to combat unfair competition in high-profile cases against well-known companies; *considers that SMEs could stand to benefit from rigorous application of competition rules, particularly in the digital sphere*, but stresses that the enforcement of fair competition in the case of SMEs is also of the utmost importance;

Or. en

Amendment 10
Maria Grapini

Draft opinion
Paragraph 3

Draft opinion

3. Acknowledges the Commission's efforts to combat unfair competition in high-profile cases against well-known companies, but stresses that the

Amendment

3. Acknowledges the Commission's efforts to combat unfair competition in high-profile cases against well-known companies, but stresses that the

enforcement of fair competition in the case of SMEs is also of the utmost importance;

enforcement of fair competition in the case of SMEs is also of the utmost importance ***in order to boost jobs and ensure fair economic competition;***

Or. ro

Amendment 11
Jiří Pospíšil

Draft opinion
Paragraph 3

Draft opinion

3. Acknowledges the Commission's efforts to combat unfair competition ***in high-profile cases against well-known companies, but*** stresses that ***the enforcement of fair competition in the case of SMEs is also of the utmost importance;***

Amendment

3. Acknowledges the Commission's efforts to combat unfair competition ***and*** stresses that ***competition must be fair for all market participants, including SMEs;***

Or. cs

Amendment 12
Mylène Troszczynski

Draft opinion
Paragraph 4

Draft opinion

4. ***Encourages the Commission to strengthen the supervision of national implementation of competition policy; is concerned that uneven enforcement of EU competition law by national authorities can result in varying outcomes, thus distorting competition in the internal market; welcomes in this regard the Commission's proposal on the ECN+;***

Amendment

deleted

Or. fr

Amendment 13
Dita Charanzová, Morten Løkkegaard

Draft opinion
Paragraph 4

Draft opinion

4. Encourages the Commission to strengthen the supervision of national implementation of competition policy; is concerned that uneven enforcement of EU competition law by national authorities can result in varying outcomes, thus distorting competition in the internal market; welcomes in this regard the Commission's proposal on the ECN+;

Amendment

4. Encourages the Commission to strengthen the supervision of national implementation of competition policy; is concerned that uneven enforcement of EU competition law by national authorities can result in varying outcomes, thus distorting competition in the internal market; welcomes in this regard the Commission's proposal on the ECN+; ***stresses in this respect that the refusal of requested authority to enforce a decision imposing fines based on the exception under Art.25.5 of the proposal should always be duly justified and a system should be set up whereby potential disputes between authorities in such cases could be solved; furthermore asks the Commission to ensure that the notification of the start of formal investigative measure received from a national competition authority under Article 11.3 of Regulation 1/2003 is made available to the national competition authorities of the other Member States within the ECN;***

Or. en

Amendment 14
Jan Philipp Albrecht

Draft opinion
Paragraph 4

Draft opinion

4. Encourages the Commission to strengthen the supervision of national implementation of competition policy; is concerned that uneven enforcement of EU competition law by national authorities can result in varying outcomes, thus distorting

Amendment

4. Encourages the Commission to strengthen the supervision of national implementation of competition policy; is concerned that uneven enforcement of EU competition law by national authorities can result in varying outcomes, thus distorting

competition in the internal market;
welcomes in this regard the Commission's
proposal on the ECN+;

competition in the internal market; ***stresses
the need for national competition
authorities to be independent and have
adequate human and financial resources
to perform their tasks effectively;***
welcomes in this regard the Commission's
proposal on the ECN+;

Or. en

Amendment 15
Andreas Schwab, Eva Maydell

Draft opinion
Paragraph 4

Draft opinion

4. ***Encourages the Commission to
strengthen the supervision of national
implementation of competition policy; is
concerned that uneven enforcement of
EU competition law by national
authorities can result in varying
outcomes, thus distorting competition*** in
the internal market; welcomes in this
regard the Commission's proposal on the
ECN+;

Amendment

4. ***Stresses that more effective and
more uniform implementation of EU
competition law by national competition
authorities would make competition much
fairer and improve the functioning of the
internal market; considers that further
common minimum standards in EU
competition law are required, not only to
dismantle barriers*** in the internal market
***but also to create greater legal certainty
for undertakings;*** welcomes in this regard
the Commission's proposal on the ECN+;

Or. de

Amendment 16
Maria Grapini

Draft opinion
Paragraph 4

Draft opinion

4. Encourages the Commission to
strengthen the supervision of national
implementation of competition policy; is
concerned that uneven enforcement of EU
competition law by national authorities can
result in varying outcomes, thus distorting

Amendment

4. Encourages the Commission to
strengthen the supervision of national
implementation of competition policy ***in
order to guarantee equal and fair
competition conditions for undertakings;***
is concerned that uneven enforcement of

competition in the internal market; welcomes in this regard the Commission's proposal on the ECN+;

EU competition law by national authorities can result in varying outcomes, thus distorting competition in the internal market; welcomes in this regard the Commission's proposal on the ECN+;

Or. ro

Amendment 17

Jiří Pospíšil

Draft opinion

Paragraph 4

Draft opinion

4. Encourages the Commission to strengthen *the supervision of national implementation of* competition policy; *is concerned that uneven* enforcement of EU competition law *by national authorities can result in varying outcomes, thus distorting competition in the* internal market; *welcomes in this regard the Commission's proposal on the ECN+;*

Amendment

4. Encourages the Commission to strengthen *cooperation with the national authorities responsible for implementing* competition policy; enforcement of *the* EU competition *rules by the Commission, in cooperation with the NCAs, is an essential building block for the creation of an open, competitive and innovative* internal market *and is crucial for creating jobs and growth in important sectors of the economy, in particular, the energy, telecoms, digital and transport sectors.*

Or. cs

Amendment 18

Maria Grapini

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4a. Stresses that national competition authorities play a decisive role in the enforcement of EU competition law alongside the European Commission and thus significantly contribute to a properly functioning, competitive, and consumer-oriented internal market, but that they need the necessary financial and

human resources and independence in order to function effectively;

Or. ro

Amendment 19
Jiří Pospíšil

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Is concerned that uneven enforcement of EU competition law by national authorities can result in varying outcomes, thus distorting competition in the internal market; welcomes in this regard the Commission's proposal on the ECN+;

Or. cs

Amendment 20
Christel Schaldemose

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4 a. Notes the Commission's final report on the E-commerce sector inquiry^{1a}, which confirms that in the e-commerce sector many existing business practices negatively affect fair competition and limit consumer choice;

1a

http://ec.europa.eu/competition/antitrust/sector_inquiry_final_report_en.pdf

Or. en

Amendment 21
Christel Schaldemose

Draft opinion
Paragraph 4 b (new)

Draft opinion

Amendment

4 b. Supports the Commission's intention to target enforcement of the EU competition rules at widespread business practices that have emerged or evolved as a result of the growth of e-commerce;

Or. en

Amendment 22
Christel Schaldemose

Draft opinion
Paragraph 4 c (new)

Draft opinion

Amendment

4 c. Stresses that the Commission must put increased effort into ensuring consistent application of the EU competition rules in all Member States also with regards to e-commerce-related business practices;

Or. en

Amendment 23
Dita Charanzová, Nosheena Mobarik, Jiří Pospíšil, Morten Løkkegaard, Kaja Kallas

Draft opinion
Paragraph 5

Draft opinion

Amendment

5. Reiterates the possible option of setting up a travelling unit within the Commission which, independently of Member States' efforts, would need be able to investigate suspected cases of unfair competition and breaches of

deleted

competition law;

Or. en

Amendment 24

Andreas Schwab, Jiří Pospíšil, Eva Maydell

Draft opinion Paragraph 5

Draft opinion

5. Reiterates *the possible option of setting up a travelling unit* within the Commission *which, independently of Member States' efforts, would need be able to investigate* suspected cases of unfair competition and breaches of competition law;

Amendment

5. Reiterates *that an effective toolbox* within the Commission *for the investigation of* suspected cases of unfair competition and *suspected* breaches of competition law *is essential*;

Or. de

Amendment 25

Maria Grapini

Draft opinion Paragraph 5

Draft opinion

5. Reiterates the possible option of setting up a travelling unit within the Commission which, independently of Member States' efforts, would need be able to investigate suspected cases of unfair competition and breaches of competition law;

Amendment

5. Reiterates the possible option of setting up a travelling unit within the Commission which, independently of Member States' efforts, would need be able to investigate *and take decisions in* suspected cases of unfair competition and breaches of competition law;

Or. ro

Amendment 26

Lucy Anderson, Liisa Jaakonsaari, Virginie Rozière, Maria Grapini, Nicola Danti, Olga Sehnalová, Arndt Kohn

Draft opinion

Paragraph 6

Draft opinion

6. Highlights the importance of access to justice for consumers and of the availability for collective redress in order to ensure fair competition; underlines that the absence of such opportunities weakens competition at the expense of the internal market and consumer rights;

Amendment

6. Highlights the importance of access to justice for ***individual*** consumers ***and SMEs*** and of the availability for collective redress in order to ensure fair competition; ***believes access to justice and the availability of class or representative actions in this field and consumer rights more generally is essential to achieving the aims of EU competition policy;*** underlines that the absence of such opportunities weakens competition at the expense of the internal market and consumer rights;

Or. en

Amendment 27

Jiří Pospíšil

Draft opinion

Paragraph 6

Draft opinion

6. Highlights the importance of access to ***justice for consumers*** and of ***the availability for collective redress*** in order to ensure fair competition; ***underlines that the absence of such opportunities weakens competition at the expense of the internal market and consumer rights;***

Amendment

6. Highlights the importance of ***consumers having*** access to ***information*** and of ***their rights being enforceable*** in order to ensure fair competition;

Or. cs

Amendment 28

Maria Grapini

Draft opinion

Paragraph 6

Draft opinion

6. Highlights the importance of access

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Amendment

6. Highlights the importance of access

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to justice for consumers and of the availability for collective redress in order to ensure fair competition; underlines that the absence of such opportunities weakens competition at the expense of the internal market and consumer rights;

to justice for consumers and of the availability for collective redress in order to ensure fair competition ***and equitable treatment for consumers***; underlines that the absence of such opportunities weakens competition at the expense of the internal market and consumer rights;

Or. ro

Amendment 29

Dita Charanzová, Morten Løkkegaard, Kaja Kallas, Jasenko Selimovic

Draft opinion Paragraph 6

Draft opinion

6. Highlights the importance of access to justice for consumers and of the availability for collective redress in order to ensure fair competition; underlines that the absence of such opportunities weakens competition ***at the expense*** of the internal market and consumer rights;

Amendment

6. Highlights the importance of access to justice for consumers and of the availability for collective redress in order to ensure fair competition; underlines that the absence of such opportunities ***on EU level*** weakens competition, ***the functioning*** of the internal market and consumer rights;

Or. en

Amendment 30

Andreas Schwab, Eva Maydell

Draft opinion Paragraph 6

Draft opinion

6. ***Highlights the importance of*** access to justice ***for consumers and of*** the availability ***for*** collective redress ***in order to ensure fair*** competition; underlines that the absence of such opportunities weakens competition at the expense of the internal market and consumer rights;

Amendment

6. ***Stresses that*** access to justice, ***which may also include*** the availability of collective redress, ***is essential for the attainment of the objectives of EU*** competition ***policy***; underlines that the absence of such opportunities weakens competition at the expense of the internal market and consumer rights;

Or. de

Amendment 31

Lucy Anderson, Christel Schaldemose, Olga Sehnalová, Maria Grapini, Virginie Rozière, Liisa Jaakonsaari, Arndt Kohn

Draft opinion

Paragraph 6 a (new)

Draft opinion

Amendment

6 a. Stresses that efforts to foster competition through the development of the Digital Single Market must at all times work in the interests of consumers, and that the rights enshrined in the EU Charter for fundamental rights must be fully protected in the digital domain;

Or. en

Amendment 32

Lucy Anderson, Christel Schaldemose, Olga Sehnalová, Maria Grapini, Virginie Rozière, Liisa Jaakonsaari, Arndt Kohn

Draft opinion

Paragraph 6 b (new)

Draft opinion

Amendment

6 b. Stresses that competition that is both free and fair is ultimately for the benefit of consumers;

Or. en

Amendment 33

Dita Charanzová, Nosheena Mobarik, Jiří Pospíšil, Morten Løkkegaard, Kaja Kallas, Jasenko Selimovic

Draft opinion

Paragraph 7

Draft opinion

Amendment

7. Recalls that if anti-competitive practices are to be fought effectively, all **deleted**

aspects of unfair competition must be taken into consideration, including social dumping and fraudulent posting of workers.

Or. en

Amendment 34
Jan Philipp Albrecht

Draft opinion
Paragraph 7

Draft opinion

7. Recalls that if anti-competitive practices are to be fought effectively, all aspects of unfair competition must be taken into consideration, including social dumping and fraudulent posting of workers.

Amendment

7. Recalls that if anti-competitive practices are to be fought effectively, all aspects of unfair competition must be taken into consideration, including social dumping and fraudulent posting of workers;***further calls on competition authorities to take into account the role of access to data and information when assessing market power, whether merging data and customer information during a merger distorts competition and weakens data protection, and whether an enterprise's access to exclusive analytical methods and patents excludes competitors;***

Or. en

Amendment 35
Maria Grapini

Draft opinion
Paragraph 7

Draft opinion

7. Recalls that if anti-competitive practices are to be fought effectively, all aspects of unfair competition must be taken into consideration, including social dumping ***and*** fraudulent posting of workers.

Amendment

7. Recalls that if anti-competitive practices are to be fought effectively, ***Member States must adopt an economic policy that is consistent with the principles of an open market economy based on fair competition, and*** all aspects of unfair

competition must be taken into consideration, including social dumping, fraudulent posting of workers *and letterbox companies*.

Or. ro

Amendment 36
Richard Sulík

Draft opinion
Paragraph 7

Draft opinion

7. Recalls that *if* anti-competitive practices are to be fought effectively, *all aspects of unfair competition must be taken into consideration, including social dumping and fraudulent posting of workers*.

Amendment

7. Recalls that anti-competitive practices are to be fought effectively.

Or. en

Amendment 37
Jiří Pospíšil

Draft opinion
Paragraph 7

Draft opinion

7. Recalls that if anti-competitive practices are to be fought effectively, all aspects of unfair competition must be *taken into consideration*, including *social dumping and* fraudulent posting of workers.

Amendment

7. Recalls that if anti-competitive practices are to be fought effectively, all aspects of unfair competition must be *eliminated*, including *the* fraudulent posting of workers, *without prejudice to the free movement of labour as one of the fundamental freedoms of the internal market*.

Or. cs

Amendment 38
Adam Szejnfeld

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Draft opinion
Paragraph 7

Draft opinion

7. Recalls that if anti-competitive practices are to be fought effectively, all aspects of unfair competition must be taken into consideration, including ***social dumping*** and fraudulent posting of workers.

Amendment

7. Recalls that if anti-competitive practices are to be fought effectively, all aspects of unfair competition must be taken into consideration, including ***undeclared work*** and fraudulent posting of workers.

Or. pl

Amendment 39
Dariusz Rosati

Draft opinion
Paragraph 7

Draft opinion

7. Recalls that if anti-competitive practices are to be fought effectively, all aspects of unfair competition must be taken into consideration, including ***social dumping*** and fraudulent posting of workers.

Amendment

7. Recalls that if anti-competitive practices are to be fought effectively, all aspects of unfair competition must be taken into consideration, including ***unregistered work*** and fraudulent posting of workers.

Or. en

Amendment 40
Andreas Schwab, Jiří Pospíšil

Draft opinion
Paragraph 7 a (new)

Draft opinion

Amendment

7a. Welcomes the continuous review and evaluation of EU competition law by the Commission; considers, for example, the consultation carried out by the Commission on the possible improvement of EU merger control to be very important; believes that steps must be

taken to ensure, in particular in the digital sphere, that mergers do not restrict competition in the EU internal market; calls again on the Commission to therefore examine carefully whether current assessment procedures take sufficient account of circumstances on digital markets and of the internationalisation of markets; considers in this connection that, for example, the merger assessment criteria should be adapted;

Or. de

Amendment 41

Dita Charanzová, Nosheena Mobarik, Jiří Pospíšil, Morten Løkkegaard, Kaja Kallas, Jasenko Selimovic

Draft opinion

Paragraph 7 a (new)

Draft opinion

Amendment

7 a. Takes note of the E-commerce Sector Inquiry and its final report; believes that the inquiry should be part of a greater enforcement effort by the Commission to apply the full competition policy to online retailers; underlines that given the asymmetrical relationship between large online retailers and their suppliers, the Commission and national competition authorities should actively enforce competition rules as suppliers, especially SMEs, do not have the means to challenge such players in the courts;

Or. en

Amendment 42

Lucy Anderson, Olga Sehnalová, Maria Grapini, Virginie Rozière, Liisa Jaakonsaari, Arndt Kohn

Draft opinion

Paragraph 7 a (new)

Draft opinion

Amendment

7 a. Calls on Member States to ensure the proper enforcement of EU public procurement rules in order to ensure fair competition including social, environmental and consumer protection criteria where appropriate and promote good practice in public authorities' processes; proper enforcement will tackle distortions of competition and enable public authorities to choose to organise and provide quality public services so as to ensure effective and efficient public expenditure;

Or. en

**Amendment 43
Adam Szejnfeld**

**Draft opinion
Paragraph 7 a (new)**

Draft opinion

Amendment

7a. Stresses that unjustified and disproportionate regulations on access to regulated professions and the pursuit of professional activities distort competition in the services market, restrict opportunities for young professionals and adversely affect the interests of consumers, inter alia by increasing the prices of services; calls, therefore, on the Commission to step up its efforts to limit unjustified regulations and open access to regulated professions;

Or. pl

**Amendment 44
Dennis de Jong**

**Draft opinion
Paragraph 7 a (new)**

Draft opinion

Amendment

7 a. *Points out that one form of social dumping can arise through crowdsourcing, the practice in which platforms offer contracts to so-called 'independent contractors', irrespective of their location globally, at the lowest price; is concerned that this can undermine existing EU legislation, in particular Directive 2008/104/EC, as it can lead to bogus self-employment and may undermine the position of workers in the EU.*

Or. en

Amendment 45
Jan Philipp Albrecht

Draft opinion
Paragraph 7 a (new)

Draft opinion

Amendment

7 a. *Underlines the essential role of administrative fines in deterring future breaches of competition law; urges all Member States to grant their competition authorities the power to impose such fines; considers it essential that a parent company can be held liable for infringement of EU competition law by its subsidiaries;*

Or. en

Amendment 46
Olga Sehnalová, Biljana Borzan, Maria Grapini

Draft opinion
Paragraph 7 a (new)

Draft opinion

Amendment

7 a. *Recalls that persistent concerns about the issue of dual product quality*

distort consumers' trust and competition in the single market; calls on the Commission and Member States to intensify efforts to tackle dual products quality for both food and non-food products;

Or. en

Amendment 47

Jiří Pospíšil

Draft opinion

Paragraph 7 a (new)

Draft opinion

Amendment

7a. Feels that the development of interoperability and electronic public procurement procedures will make it easier for SMEs to access public procurement, will increase transparency and will ensure more effective monitoring of the infringement of competition rules in this area:

Or. cs

Amendment 48

Richard Sulík

Draft opinion

Paragraph 7 a (new)

Draft opinion

Amendment

7 a. Reiterates that protectionist measures harm the functioning of the Single Market and encourages the Commission to enforce the Single Market rules and guide Member States to comply with fundamental freedoms including the free movement of labour.

Or. en

Amendment 49

Jiří Pospíšil

Draft opinion

Paragraph 7 a (new)

Draft opinion

Amendment

7 a. *Underlines that territorial distribution and selective distribution agreements cannot be used as a justified reason to geoblock consumers, especially in case of passive sales without delivery;*

Or. en

Amendment 50

Dita Charanzová, Nosheena Mobarik, Jiří Pospíšil, Morten Løkkegaard, Kaja Kallas, Jasenko Selimovic

Draft opinion

Paragraph 7 b (new)

Draft opinion

Amendment

7 b. *Is concerned by the increased use of contractual restrictions by manufacturers on online sales, as confirmed by the e-commerce inquiry, and calls on the Commission to further review such clauses to ensure that they do not create unjustified restrictions of competition; at the same time, asks the Commission to review the Guidelines on Vertical Restraints and the Block Exemption (Regulation 330/2010) in light of these changes;*

Or. en

Amendment 51

Dennis de Jong

Draft opinion

Paragraph 7 b (new)

Draft opinion

Amendment

7 b. *Reiterates its request to the Commission to explain how it defines the minimum of market players necessary for fair competition in the EU, how it retains the possibility for new companies, in particular start-ups, to enter highly concentrated markets and how it avoids the emergence of companies that are 'too big to fail' and would require State support, in order to avoid major employment losses in the case of their closing down.*

Or. en

Amendment 52

Jiří Pospíšil

Draft opinion

Paragraph 7 b (new)

Draft opinion

Amendment

7 b. *Believes that criteria to join a selective distribution should be transparent in order to ensure that such criteria do not violate competition policy and the free functioning of the single market; underlines that such criteria must be objective, qualitative, non-discriminatory and not go beyond what is strictly necessary; calls on the Commission to take measures to ensure this transparency;*

Or. en

Amendment 53

Jan Philipp Albrecht

Draft opinion

Paragraph 7 b (new)

Draft opinion

Amendment

7 b. *Calls for the strengthening of the freedom of choice for consumers in the Digital Single Market; considers that the enshrined right to data portability in the GDPR is a good approach to strengthening the rights of consumers and competition; in this context underlines the need to examine how interoperability between digital networks by open standards and interfaces can be ensured;*

Or. en

Amendment 54
Jiří Pospíšil

Draft opinion
Paragraph 7 b (new)

Draft opinion

Amendment

7b. *Recalls that, in light of the Digital Single Market Strategy, there is a need to strengthen consumer and business confidence in e-commerce, which will help strengthen the powers of national competition enforcement authorities as regards compliance with competition rules and ensure the effective cooperation of these authorities with the Commission, in addition to ensuring cyber security;*

Or. cs

Amendment 55
Lucy Anderson, Olga Sehnalová, Maria Grapini, Virginie Rozière, Liisa Jaakonsaari, Arndt Kohn

Draft opinion
Paragraph 7 b (new)

Draft opinion

Amendment

7 b. *Calls on the Commission to promote market access opportunities for SMEs through smaller contracts where*

compatible with key procurement objectives, and for the Commission to carefully monitor the centralisation of purchases in public procurement markets;

Or. en

Amendment 56

Lucy Anderson, Christel Schaldemose, Olga Sehnalová, Maria Grapini, Liisa Jaakonsaari

Draft opinion

Paragraph 7 c (new)

Draft opinion

Amendment

7 c. Emphasises the relationship between the internal market and competition policy; encourages strong cooperation between Parliament's Committee on Internal Market and Consumer Protection and the Commission in order to ensure that the interests of consumers are protected and promoted in any and all efforts to encourage a competitive EU.

Or. en

Amendment 57

Dita Charanzová, Nosheena Mobarik, Morten Løkkegaard, Kaja Kallas, Jasenko Selimovic

Draft opinion

Paragraph 7 c (new)

Draft opinion

Amendment

7 c. Believes that retailers should be able to set retail prices freely; believes that price parity and conditional parity clauses may undermine free competition, especially in the digital single market; asks the Commission to further analyse such clauses and if needed, to propose restrictions on their use;

Amendment 58
Dennis de Jong

Draft opinion
Paragraph 7 c (new)

Draft opinion

Amendment

7 c. Requests the Commission to explain how under the current competition policies, small market-players can work together when they are all facing big market-players, for example in the food supply chain, or in the case of the franchising model.

Or. en

Amendment 59
Jiří Pospíšil

Draft opinion
Paragraph 7 c (new)

Draft opinion

Amendment

7c. Welcomes the adoption of rules on the portability of pre-paid services under the Single Digital Market Strategy that will improve competition on the internal market and ensure greater consumer rights;

Or. cs

Amendment 60
Jiří Pospíšil

Draft opinion
Paragraph 7 c (new)

Draft opinion

Amendment

7 c. Considers that, where duly justified, competition policy solutions should be given preference to regulatory initiatives in the area of Digital Single Market;

Or. en

Amendment 61

Dita Charanzová, Jiří Pospíšil, Kaja Kallas, Jasenko Selimovic

Draft opinion

Paragraph 7 d (new)

Draft opinion

Amendment

7 d. Underlines that territorial distribution and selective distribution agreements cannot be used as a justified reason to geoblock consumers, especially in case of passive sales without delivery;

Or. en

Amendment 62

Jiří Pospíšil

Draft opinion

Paragraph 7 d (new)

Draft opinion

Amendment

7d. Welcomes the gradual liberalisation of sectors such as telecoms, postal services and public transport with a view to creating a competitive environment from which consumers will also benefit.

Or. cs

Amendment 63

Dennis de Jong

Draft opinion

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Paragraph 7 d (new)

Draft opinion

Amendment

7 d. Calls on the Commission to examine the dominant role of certain on-line platforms in relation to SMEs and any unfair terms and conditions imposed by these platforms in respect of SMEs.

Or. en

Amendment 64

Dita Charanzová, Nosheena Mobarik, Morten Løkkegaard, Kaja Kallas, Jasenko Selimovic

Draft opinion

Paragraph 7 e (new)

Draft opinion

Amendment

7 e. Believes that criteria to join a selective distribution or franchising network should be transparent in order to ensure that such criteria do not violate competition policy and the free functioning of the single market; underlines that such criteria must be objective, qualitative, non-discriminatory and not go beyond what is strictly necessary; calls on the Commission to take measures to ensure this transparency;

Or. en

Amendment 65

Dita Charanzová, Nosheena Mobarik, Jasenko Selimovic

Draft opinion

Paragraph 7 f (new)

Draft opinion

Amendment

7 f. Takes note of the Advocate General Wahl's 26 July 2017 opinion on Coty Germany GmbH v Parfümerie

Akzente GmbH that distribution agreement restrictions on online marketplace sales should not be considered as hardcore restrictions under the VBER; nonetheless, asks the Commission, in order to protect competition, to ensure that such restrictions are limited to what is strictly necessary;

Or. en

Amendment 66

Dita Charanzová, Nosheena Mobarik, Morten Løkkegaard, Jasenko Selimovic

Draft opinion

Paragraph 7 g (new)

Draft opinion

Amendment

7 g. Notes the increased risk of collusion between competitors due to, among others, price monitoring software; considers that concerted practices may emerge despite contact between competitors being weaker than required under current norms, perhaps even automated, as algorithms interact with each other independent of the direction of one or more market players; asks the Commission to be vigilant to such new challenges to free competition;

Or. en

Amendment 67

Dita Charanzová, Nosheena Mobarik, Morten Løkkegaard, Kaja Kallas, Jasenko Selimovic

Draft opinion

Paragraph 7 h (new)

Draft opinion

Amendment

7 h. Considers that effective competition policy can complement or, in

some cases, replace regulatory initiatives in the area of the Digital Single Market; considers that where the impetus for regulatory action is primarily in response to market actions by some players, it would be wiser to tackle any harms through competition measures; believes this would tackle the real anticompetitive practices without holding back those who seek to compete;

Or. en

Amendment 68

Dita Charanzová, Nosheena Mobarik, Jiří Pospíšil, Morten Løkkegaard, Kaja Kallas, Jasenko Selimovic

Draft opinion

Paragraph 7 i (new)

Draft opinion

Amendment

7 i. Welcomes the Commission's efforts to link with their international partners and multilateral fora in the area of competition policy; believes that international cooperation is increasingly essential where companies subject to actions operate across multiple jurisdictions;

Or. en

Amendment 69

Dita Charanzová, Nosheena Mobarik, Jiří Pospíšil, Morten Løkkegaard, Kaja Kallas, Jasenko Selimovic

Draft opinion

Paragraph 7 j (new)

Draft opinion

Amendment

7 j. Believes that increasing the network of free trade agreements involving the European Union will benefit the enforcement of competition law globally; encourages the Commission in

this regard to seek further trade agreement opportunities and to include strong antitrust and state aid rules in any such future agreements;

Or. en