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# REPORT

on the Annual Report on EU Competition Policy  
(2014/2158(INI))

Committee on Economic and Monetary Affairs

Rapporteur: Morten Messerschmidt

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the Annual Report on EU Competition Policy (2014/2158(INI))

*The European Parliament,*

- having regard to the Commission report of 6 May 2014 on Competition Policy 2013 (COM(2014)0249) and to the accompanying Commission staff working document (SWD(2014)0148),
- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 101-109 thereof,
- having regard to Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty<sup>1</sup>,
- having regard to Council Regulation (EC) No 169/2009 of 26 February 2009 applying rules of competition to transport by rail, road and inland waterway<sup>2</sup>,
- having regard to the directive of the European Council and of the Council of 24 October 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union (COM(2013)0404),
- having regard to the Commission communication of 11 June 2013 on quantifying harm in actions for damages based on breaches of Article 101 or 102 of the Treaty on the Functioning of the European Union (C(2013)3440),
- having regard to the Commission staff working document of 4 February 2011 entitled ‘Public consultation: Towards a Coherent European Approach to Collective Redress’ (SEC(2011)0173),
- having regard to the Commission communication of 11 June 2013 entitled ‘Towards a European Horizontal Framework for Collective Redress’ (COM(2013)0401),
- having regard to the Commission recommendation of 11 June 2013 on common principles for injunctive and compensatory collective redress mechanisms in the Member States concerning violations of rights granted under Union Law (C(2013)3539/3),
- having regard to the study published in June 2012 by the Policy Department of the Directorate-General for Internal Policies, entitled ‘Collective redress in Antitrust’,

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<sup>1</sup> OJ L 1, 4.1.2003, p. 1.

<sup>2</sup> OJ L 61, 5.3.2009, p. 1.

- having regard to the Commission communication of 11 June 2013 published pursuant to Article 27(4) of Council Regulation (EC) No 1/2003 in Case AT.39740 – Google (2013/C 120/09),
- having regard to the commitments offered to the Commission pursuant to Article 9 of Council Regulation (EC) No 1/2003 in Case COMP/39.398 – Visa MIF,
- having regard to Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation)<sup>1</sup>,
- having regard to the Commission consultation of 27 March 2013 on EU merger control – draft revision of simplified procedure and merger implementing regulation,
- having regard to the Commission communication of 13 October 2008 on the application of State aid rules to measures taken in relation to financial institutions in the context of the current global financial crisis (the Banking Communication)<sup>2</sup>,
- having regard to the Commission communication of 5 December 2008 entitled ‘The recapitalisation of financial institutions in the current financial crisis: limitation of aid to the minimum necessary and safeguards against undue distortions of competition’ (the Recapitalisation Communication)<sup>3</sup>,
- having regard to the Commission communication of 25 February 2009 on the treatment of impaired assets in the Community banking sector (the Impaired Assets Communication)<sup>4</sup>,
- having regard to the Commission communication of 23 July 2009 on the return to viability and the assessment of restructuring measures in the financial sector in the current crisis under the State aid rules (the Restructuring Communication)<sup>5</sup>,
- having regard to the Commission communication of 17 December 2008 on a temporary Community framework for State aid measures to support access to finance in the current financial and economic crisis (the original Temporary Framework)<sup>6</sup>,
- having regard to the Commission communication of 1 December 2010 entitled ‘Temporary Union framework for State aid measures to support access to finance in the current financial and economic crisis’ (the new Temporary Framework replacing the one which ended on 31 December 2010),
- having regard to the Commission communication on the application, from 1 August 2013, of State aid rules to support measures in favour of banks in the context of the

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<sup>1</sup> OJ L 24, 29.1.2004, p. 1.

<sup>2</sup> OJ C 270, 25.10.2008, p. 8.

<sup>3</sup> OJ C 10, 15.1.2009, p. 2.

<sup>4</sup> OJ C 72, 26.3.2009, p. 1.

<sup>5</sup> OJ C 195, 19.8.2009, p. 9.

<sup>6</sup> OJ C 16, 22.1.2009, p. 1.

- financial crisis ('Banking Communication')<sup>1</sup>,
- having regard to the issues paper from the Commission for the attention of the EFC on the revision of the State aid guidelines for the restructuring of banks,
  - having regard to the study of June 2011 by the Policy Department of the Directorate-General for Internal Policies, entitled 'State aid – Crisis rules for the financial sector and the real economy',
  - having regard to the Commission communication on the application of the European Union State aid rules to compensation granted for the provision of services of general economic interest (2012/C 8/02)<sup>2</sup>,
  - having regard to Commission Decision 2012/21/EU of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest<sup>3</sup>,
  - having regard to the Commission communication entitled 'European Union framework for State aid in the form of public service compensation (2011)'<sup>4</sup>,
  - having regard to Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest<sup>5</sup>,
  - having regard to its resolution of 15 November 2011 on reform of the EU State aid rules on Services of General Economic Interest<sup>6</sup>,
  - having regard to the Commission communication of 9 February 2012 entitled 'EU State Aid Modernisation (SAM)' (COM(2012)0209),
  - having regard to its resolution of 17 January 2013 on State aid modernisation<sup>7</sup>,
  - having regard to the Commission proposal of 30 July 2012 for a Council regulation amending Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid and Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road (COM(2012)0730),
  - having regard to the Commission proposal for a Council regulation of 25 July 2012

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<sup>1</sup> OJ C 216, 30.7.2013, p. 1.

<sup>2</sup> OJ C 8, 11.1.2012, p. 4.

<sup>3</sup> OJ L 7, 11.1.2012, p. 3.

<sup>4</sup> OJ C 8, 11.1.2012, p. 15.

<sup>5</sup> OJ L 114, 26.4.2012, p. 8.

<sup>6</sup> OJ C 153 E, 31.5.2013, p. 51.

<sup>7</sup> Texts adopted, P7\_TA(2013)0026.

- amending Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (COM(2012)0725),
- having regard to the Commission guidelines on state aid for railway undertakings<sup>1</sup>,
  - having regard to its resolution of 12 June 2013 on regional policy as a part of wider State support schemes<sup>2</sup>,
  - having regard to the Framework Agreement of 20 November 2010 on relations between the European Parliament and the European Commission<sup>3</sup> (hereinafter ‘the Framework Agreement’), in particular paragraphs 9, 12, 15 and 16 thereof,
  - having regard to its resolutions of 22 February 2005 on the Commission’s 23rd Report on Competition Policy – 2003<sup>4</sup>, of 4 April 2006 on the Commission Report on Competition Policy 2004<sup>5</sup>, of 19 June 2007 on the Report on Competition Policy 2005<sup>6</sup>, of 10 March 2009 on the Reports on competition policy 2006 and 2007<sup>7</sup>, of 9 March 2010 on the Report on Competition Policy 2008<sup>8</sup>, of 20 January 2011 on the Report on Competition Policy 2009<sup>9</sup>, of 2 February 2012 on the Annual Report on EU Competition Policy<sup>10</sup>, of 12 June 2013 on the Annual Report on EU Competition Policy<sup>11</sup> and of 29 October 2013 on the Annual Report on EU Competition Policy<sup>12</sup>,
  - having regard to the Commission’s Staff Working Paper of 20 June 2013 entitled ‘Towards more effective merger control’,
  - having regard to the Commission’s White Paper of 9 July 2014 entitled ‘Towards more effective merger control’,
  - having regard to its resolution of 5 February 2014 on EU cooperation agreements on competition policy enforcement - the way forward<sup>13</sup>,
  - having regard to the statement of 6 November 2014 by the Commissioner for Competition, Margrethe Vestager, on tax state aid investigations,
  - having regard to the Commission’s 2014 Digital Scoreboard,
  - having regard to Rules 52 and 132(2) of its Rules of Procedure,

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<sup>1</sup> OJ C 184, 22.7.2008, p. 13.

<sup>2</sup> Texts adopted, P7\_TA(2013)0267.

<sup>3</sup> OJ L 304, 20.11.2010, p. 47.

<sup>4</sup> OJ C 304 E, 1.12.2005, p. 114.

<sup>5</sup> OJ C 293 E, 2.12.2006, p. 143.

<sup>6</sup> OJ C 146 E, 12.6.2008, p. 105.

<sup>7</sup> OJ C 87 E, 1.4.2010, p. 43.

<sup>8</sup> OJ C 349 E, 22.12.2010, p. 16.

<sup>9</sup> OJ C 136 E, 11.5.2012, p. 60.

<sup>10</sup> OJ C 239 E, 20.8.2013, p. 97

<sup>11</sup> Texts adopted, P7\_TA(2013)0268.

<sup>12</sup> Texts adopted, P7\_TA(2013)0576.

<sup>13</sup> Texts adopted, P7\_TA(2014)0079.

- having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on the Internal Market and Consumer Protection (A8-0019/2015),
- A. whereas some sectors within the single market remain divided by national borders and artificial barriers, and at the same time worrying practices such as social dumping or the misuse of structural funds raise concerns and should also be addressed within the framework of EU competition policy; whereas competition does not operate in an equally satisfactory manner in all Member States;
- B. whereas competition policy is in itself a means of safeguarding European democracy, in that it prevents the over-concentration of economic and financial power in the hands of a few, which would undermine the ability of Europe’s political authorities to act independently of major industrial and banking groups;
- C. whereas competition policy based on a level playing field in all sectors is a cornerstone of the European social market economy, and an essential tool to ensure the proper functioning of a dynamic, efficient, sustainable and innovative internal market, to drive economic growth and job creation, and to be competitive on the global stage; whereas the economic and financial crisis should therefore not be a pretext to relax the enforcement of competition rules;
- D. whereas each year losses of EUR 181-320 billion – approximately 3 % of EU GDP – accrue owing to the existence of cartels;
- E. whereas the equivalent of EUR 1.6 trillion was granted in State aid to banks in the EU in the period from 2008 up to the end of 2011;
- F. whereas tax evasion, tax fraud and tax havens are costing EU taxpayers an estimated EUR 1 trillion per year in lost revenue, distorting competition in the single market between those companies which pay taxes and those which do not;
- G. whereas European citizens want a high-quality and affordable provision of public services;
- H. whereas the strict application of the principles of competition law is primarily to the benefit of the consumer, whilst lack of competition results in misallocation of resources and lower productivity;
- I. whereas in terms of energy costs the European single market performs worse than the US, with a price dispersion of 31 % compared to 22 % in the US;
- J. whereas the creation of a ‘single market administration passport’ would reduce distortions of competition and the fragmentation of the single market, enhancing the growth potential of the European economy;
- K. whereas the successful development of SMEs under conditions of free competition is one of the most essential preconditions for job creation, sustainable growth, innovation and investment; whereas in many Member States a severe credit crunch is affecting

- SMEs, which account for 98 % of firms in the EU;
- L. whereas the free movement of goods, services, persons and capital is essential for growth; whereas protectionism can limit domestic industries' long-term growth prospects;
  - M. whereas uncovered cartels' duration fluctuates between 6 to 14 years from their commencement, affecting the economy with a higher burden on customers and ultimately on consumers;
  - N. whereas the EU unitary patent is a step forward for completion of the single market and all Member States should participate in it;
  - O. whereas the publication of the so-called 'LuxLeaks' documents by the International Consortium of Investigative Journalists points up the need for a thorough and independent investigation of Member States' tax rulings practices and their compliance with EU state aid control rules; whereas the independence of DG Competition is of the utmost importance for achieving this as well as its other goals in a successful matter;

### **General remarks**

1. Welcomes the fact that the EU's economic dimension in the Treaties is established as an 'open market economy with free competition'; stresses that a reinforced focus on promoting competition is necessary for the achievement of the ambitious objectives for jobs, growth, investment and the global competitiveness of the European economy, as it is sustainable and effective competition that drives investment and end-user benefits and fuels the economy; highlights the essential role of competition policy enforcement in creating a level playing field that fosters innovation, productivity, job creation and investment by all players across the single market and across all business models, including SMEs, in full respect of national diversities; asks the Commission to enforce antitrust, state aid and merger control rules with a view to achieving a well-functioning internal market and social progress;
2. Takes the view that ensuring a level playing field for companies in the internal market also depends on combating social dumping and on the implementation of European social and environmental law; calls on the Commission to consider the social and labour impacts of its interventions in the field of state aid, especially in those regions with high levels of unemployment, integrating that analysis in its decisions;
3. Stresses the need to take appropriate competition and tax measures to help European industrial groups and SMEs cope with globalisation;
4. Calls on the Commission to identify possible imbalances between Member States which could distort competition, as well as their causes and economic impact;
5. Highlights the fact that competition policy plays a key role in reinforcing the holistic approach to the single market aimed at to addressing Europe's economic, social and environmental challenges; calls on the Commission effectively to respect the needs of citizens, consumers and SMEs by placing their concerns at the centre of the decision-



making process so that the competition policies proposed can provide added value for European citizens;

6. Reiterates that the Commission should consider reallocation of resources from obsolete or underused budget lines to DG Competition; points out that the Commission must be provided with appropriate staff resources if it is to significantly widen and deepen its investigations into fiscal state aid such as tax rulings and tax avoidance so as to give competition policy a sufficient proactive stance; believes that the Commission must also have proficient legal resources to further identify gaps that we have been made aware of through the revelation of the targeted tax schemes practised by various Member States; recommends, in particular, the reinforcement of DG Competition's fiscal state aid unit, in light of the LuxLeaks revelations;
7. Awaits the imminent disclosure of the Commission's stocktaking exercise following a decade of Regulation 1/2003 on the implementation of the rules on competition law, and calls on the Commission to involve Parliament in any initiatives which ensue; calls on the Commission to take appropriate action to align the regulation with the new legal situation, particularly as a result of the adoption of the Directive on Damages Actions;
8. Reminds the Commission that the independence of national competition authorities should be monitored closely;
9. Stresses that competition policy instruments must not be misused as a means of implementing tax measures; urges the Commission to state clearly its concerns in the sphere of taxation;
10. Takes the view that the fundamentals and key guidelines of competition policy should in future be drawn up and adopted in closer cooperation with Parliament in order to strengthen the democratic legitimation of the competition authority;
11. Welcomes the common approach taken in the process of state aid modernisation, with a view to promoting greater effectiveness in public spending against a background of limited budget margins, especially in the Member States that have been the most severely affected by the crisis;
12. Recognises that efficient implementation of competition policy requires coherent and consistent judicial interpretation;
13. Notes that the Commission is relying increasingly on commitment decisions; believes, however, that more transparency on the substance of allegations and the establishment of a higher number of legal precedents are necessary; considers that this applies in particular to cases tackling antitrust issues in new areas, such as markets for digital goods, in which companies might find it difficult to assess whether a certain behaviour constitutes a violation of competition rules;
14. Believes that in order to ensure greater transparency and mitigate some of the drawbacks of commitment decisions while retaining their main benefits, the full details of the objections addressed by the Commission to defendants should be published;

## **State aid and Services of General Economic Interest (SGEIs)**

15. Notes that SGEIs represent a significant share of total service provision in Member States, and maintains that their more efficient provision (compared to other services) can deliver significant gains; reaffirms the importance of the SGEI designation for universally accessible services that are of vital significance to European citizens, from healthcare to social security to housing provision, while at the same time stressing the Commission's responsibility to ensure that compensation granted to SGEIs is compatible with EU state aid rules;
16. Reiterates that EU Structural Funds may not be used in a way that directly or indirectly supports the relocation of services or production to other Member States;
17. Believes that further investigation should be made into sports clubs (particularly football clubs) which owe millions to the social security authorities without those sums being paid by them or reclaimed by government, as this may constitute de facto state aid;
18. Stresses the advisability of assessing the cumulative effects of corporate taxation and state aid;

## **Antitrust and cartels**

19. Calls on the Commission to carefully monitor the implementation of this directive by the Member States and ensure that its provisions are applied uniformly throughout the EU;
20. Reiterates its concern that the use of fines as the sole sanction available may not be effective enough; calls again for the development of more sophisticated instruments to increase the effectiveness of the penalty system; reiterates its call on the Commission to consider a general review of its 2006 Fining Guidelines, and calls for those guidelines to be integrated into Regulation 1/2013; invites the Commission to assess the possibility of complementing cartel fines with individual sanctions such as individual fines and disqualification of directors; calls on the Commission to ensure that companies which break the law do not suffer negative repercussions which go beyond proportionate redress for the offence committed;
21. Calls on the Commission to create special cross-DG task forces to monitor sectors in which structural features (such as high barriers to entry or high customer switching costs) make antitrust violations more likely;
22. Calls on the Commission to help put in place an institutional mechanism which would ensure that whenever a national authority takes an antitrust decision there would be an automatic follow-up check, in which the Commission would examine whether similar issues affect different geographic markets throughout Europe where the sanctioned companies are also active;
23. Supports the ongoing cooperation within the European Competition Network (ECN), which allows EU-wide coherence of public enforcement of competition rules, and

- encourages its further development;
24. Calls on the Commission to set clear procedures for timetables and deadlines in order to speed up the investigation process and avoid unjustified extensions; calls for formal rights for all implicated victims and parties in antitrust and cartel cases, with due stress on the principle of the presumption of innocence;
  25. Calls on the Commission to provide a comprehensive legal and economic assessment of antitrust and cartels cases, particularly in fast-moving markets, in order to obtain a clear understanding of market structure and market trends, and to take appropriate measures to protect consumers;
  26. Notes that competition policy should be focused particularly on protecting consumers, improving consumer welfare, fostering innovation and stimulating economic growth;
  27. Calls, in that connection, for details to be provided of the conditions subject to which parent companies that exercise a degree of influence over their subsidiaries can be held severally liable for breaches of antitrust law by the latter even if they themselves were not directly involved;
  28. Reiterates, with regard to repeat offenders, the call for a clear link to be established between the breach of the law which is being investigated and past breaches committed by the undertaking concerned;
  29. Notes that the number of requests for fine reduction on account of inability to pay has increased, particularly from 'mono-product' undertakings and SMEs; emphasises the need to revise the guidelines on the setting of fines to take account of the particular circumstances of 'mono-product' undertakings and SMEs;
  30. Takes the view that market dominance achieved by means of expansion, innovation and success is not in itself a competition problem; regards the abuse of a dominant market position, conversely, as a serious competition problem; calls on the Commission, therefore, to continue to safeguard the impartiality and objectivity of competition-related proceedings;
  31. Calls on the Commission to address with determination all the matters brought to light in current anti-trust law investigations and to take any measures required to put an end to damaging practices and restore fair competition;

### **Merger control**

32. Agrees that effective merger control is an important instrument for competition enforcement since it contributes to the maintenance of competitive pressure on market participants;
33. Calls on the Commission to be attentive to those cases where just after a merger is cleared, consumer prices rise or there is a relevant reduction of a product's quality;
34. Welcomes the Commission's 'merger simplification' proposal of 5 December 2013 and

the proposals set out in its latest White Paper<sup>1</sup>, but calls for much clearer definitions to be drawn up of the concepts of market share, market power and definition;

35. Emphasises the need for a review to determine whether current merger control practice takes account of the internationalisation of markets, in particular as regards the geographical definition of markets; considers that the Commission should take account of the findings of such a review when overhauling the rules on merger control;
36. Calls on the Commission to check carefully whether there are in fact loopholes in its powers to scrutinise non-controlling minority shareholdings;

## **Sector developments**

### *Energy and environment*

37. Stresses the importance of affordability, sustainability and security of energy supply for the European economy and its competitiveness; considers that competition policy must take this threefold objective into account when addressing the current fragmentation of the market, when ensuring correct and timely implementation of the third liberalisation package for gas and electricity, when encouraging the unbundling of wholesale from retail services in order to prevent anti-competitive practices, and when contributing to the provision of affordable energy for households and undertakings; acknowledges that the Commission's new 'Guidelines on State Aid for Environmental Protection and Energy' could restrict some Member States' attempts to promote renewable energy; stresses that the regulation of state aid for sustainable energy sources must, to the greatest extent possible, be carried out in the same spirit as in any other sector, while taking into consideration the EU's 2030 targets for climate and energy as well as national diversities;
38. Stresses the importance of avoiding monopolistic practices in order to achieve a fully fair and competitive European energy market; calls, in this regard, for the elimination of monopolistic suppliers and discriminatory practices affecting users; considers that the European gas market should evolve towards an Energy Union with fair and stable prices by improving the diversification of its energy sources and enhancing access to strategic infrastructures;
39. Calls on the Commission to undertake investigations and take the necessary steps to ensure that existing electricity interconnectors are made fully available for the power market by the transmission system operators (TSOs), in order to enhance the functioning of the internal electricity market and to support the fulfilment of the EU's 2030 targets for climate and energy at the lowest possible socio-economic cost at Union level;
40. Urges the Commission to provide for reporting of fossil fuel reserves and potential CO<sub>2</sub> emissions on the part of listed companies and those applying for listing within the single market, as well as to carry out correct and reliable environmental reporting by aggregate and to publish the levels of reserves and emissions using appropriate accounting

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<sup>1</sup> COM(2014)0449, 9 July 2014

guidelines, as this is essential for ensuring a level playing field in the sustainable investment market;

41. Calls on the Commission to examine the extent to which the concentration of critical raw materials suppliers may create an uneven playing field and be harmful to the activity of client sectors and unfavourable to a more eco-efficient economy; considers that some of these materials are of paramount importance for the deployment of eco-efficient technologies and innovations needed to achieve environmental goals;
42. Reiterates that competition policy should contribute to promoting transparency, open standards and interoperability in order to prevent technological lock-in of consumers and clients by any of the market players in the energy sector; urges the Commission to closely monitor the level of competition, since the three largest players still represent about 75 % in the electricity market and above 60 % in the gas market, despite the gradual opening of markets since the mid-1990s; calls on the Commission to ensure proper competition in the energy market in order to improve state support for innovation and access to renewable energy sources;
43. Asks the Commission to ensure that energy regulations and directives are transposed and applied correctly in all Member States; calls on the Commission to be particularly vigilant when prices rise above the EU average, as high prices distort competition and harm consumers;

*Information and communication technologies (ICTs) and media*

44. Believes that the Digital Single Market must be kept at the heart of the EU's efforts to achieve results in the objectives of job creation, growth and investment; recognises the role of competition policy in the pursuit of a Digital Single Market; believes that the EU's legislative framework needs to adjust rapidly to market developments; calls on the Commission to review existing competition law instruments in order to determine whether they meet the demands of the digital age; believes that the priorities set out in the report 'Priorities towards a Digital Single Market in the Baltic Sea Region' could become ambitions for the entire EU;
45. Welcomes the announcement by the Commissioner for Competition of further investigations by the Commission into Google's practices in the mobile sector and in the digital market in general; regrets that, despite four years of investigation and three sets of commitment proposals, the Commission has achieved no demonstrable results in addressing the main competition concern in its antitrust case against Google, i.e. the preferential treatment by Google of its own services in displaying results of search queries; stresses the need for the Commission to urgently resolve the Google case in order to ensure a level playing field if its Digital Agenda strategy is to remain credible; urges the Commission to act decisively on all concerns that have been identified, to take strong measures based on the non-discrimination principle against competition infringements in fast-moving and dynamic digital markets such as the online search and advertising markets, and to find a long-term solution for a balanced, fair and open internet search structure;
46. Asks the Commission to focus on mobilising competition policy tools and market

- expertise so that they contribute, as appropriate, to the jobs and growth agenda, including in the area of the digital single market; in this context, finds it important to keep developing an economic and a legal approach to the assessment of competition issues, and to further develop market monitoring in support of the broader activities of the Commission;
47. Underlines that, in the next-generation broadband sector, the former monopolies have a staggering market share of over 80 %; recalls that effective competition is the best driver of efficient investment and provides maximum consumer benefit in terms of choice, price and quality; calls on the Commission, therefore, to enforce properly both ex post and ex ante competition rules in order to prevent excessive market concentration and abuse of dominance, as competitive pressure is key to ensuring that consumers can benefit the most from high-quality services at affordable prices;
  48. Stresses that limiting competition is unlikely to lead to more broadband investment, even in remote areas, as full coverage of basic broadband services has been achieved in Europe through a regulatory framework ensuring access to dominant operators' networks;
  49. Believes that investment in next-generation broadband infrastructure is clearly core to achieving a digital economy and society, but that in order to maximise investments, telecoms policies should enable all players to make efficient investments by providing them with effective access to non-duplicable network assets and fit-for-purpose wholesale access products;
  50. Calls on the Commission to base its decisions and policy proposals on a thorough and impartial analysis of correct, relevant and independent datasets; highlights, in particular, doubts about the correctness of data presented on the EU's under-performance in high-speed broadband including speeds received by end-users, infrastructure investments and the financial state of the sector in a global comparison;
  51. Recalls that net neutrality is of the utmost importance to ensure that there is no discrimination between internet services and competition is fully guaranteed;
  52. Stresses that tackling the fragmentation of the digital single market, including by investigating the nature of existing barriers to key sectors of that market, guaranteeing an open internet and enshrining net neutrality in EU law, so as to ensure that all internet traffic is treated equally, without discrimination, restriction or interference, are essential to foster competition and boost growth and competitiveness and consumer trust in the digital sector; is of the opinion that open standards and interoperability contribute to fair competition; highlights the need for competition policy to be future-proof and take into account new ways of selling online;
  53. Stresses that efforts to foster free and fair competition, including through the development of the digital single market, as well as other aspects of the services sector, should work in the interests of consumers and SMEs; reiterates that such efforts will enhance choice for consumers and develop an environment in which SMEs and micro-enterprises can display greater innovation and creativity; believes that swift action by regulators and enforcement authorities against misleading and unfair practices is

essential in the implementation of competition policy;

#### *Sharing economy*

54. Calls for the Commission to analyse how to accommodate the rise of the sharing economy in the European legislation; believes that such an adaptation is necessary in order to have a level playing field that ensures fair competition among all actors involved;
55. Believes that companies related to the so-called sharing economy must pay taxes and comply with regulations in the same way as traditional businesses, as to do otherwise would not only constitute a distortion in competition but would also have negative fiscal consequences for the finances of Member States;
56. Stresses that effective scrutiny of the behaviour of dominant firms and quick reaction in case of abuses are particularly important since illegal practices may cause the early exit from the market of small and innovative competitors;
57. Notes that lack of regulation in the sharing economy gives some companies an unfair advantage, while at the same time decreasing incentives to investment in the sectors concerned;

#### *Public procurement*

58. Calls on the Member States to implement the new EU public procurement rules in a timely manner, including the provisions on criteria linked to the subject-matter of the contract, including social, environmental and innovative characteristics, and on e-administration, e-procurement and division into lots, in order to boost fair competition and ensure best value for money for public authorities; urges the Commission to ensure their application to the fullest possible extent in order to tackle distortions of competition caused by bid rigging, abuses of dominant position, discrimination and lack of access for SMEs; calls on the Commission to set its action within a global framework by linking the Union's competition policy within Europe to advocacy for the opening of public procurement markets outside the EU;
59. Stresses the importance of detailed and clear guidance to businesses, particularly SMEs, and public authorities from the Commission to facilitate their understanding of the recently adopted public procurement legislation and, particularly, the new flexibilities it offers;
60. Calls on the Commission to carefully monitor the centralisation of purchases in public procurement markets in order to avoid excessive concentration of purchasing power and collusion, and to preserve market access opportunities for SMEs in accordance with the Small Business Act for Europe;
61. Calls on the Commission, when conducting public procurement procedures through its Directorates-General and agencies, to award more low-value contracts and contracts above EUR 193 000, rather than almost exclusively using framework contracts, which constitute a barrier to opening the public procurement market to European SMEs as they

only benefit large companies and consortia located close to the decision-making centres;

*Financial services*

62. Calls for the fourth consecutive time for a swift end to the state aid crisis regime for the banking sector; recognises that the Commission's Banking Communication of August 2013 is not sufficient to protect European taxpayers and limit the amount of aid that banks may receive; emphasises that state aid to the banking system has neither increased credit nor restored confidence; urges the Commission to maintain a close watch on the banking sector in order to enhance competition in European banking markets, thereby maximising the benefits to Union citizens; stresses the importance of returning to the conventional application of state aid control as soon as this is viable for the banking sector;
63. Highlights the contribution of cartel enforcement to a more transparent financial services sector;
64. Calls on the Commission to closely monitor the financial sector in order to enhance competition and investor and consumer protection in the European banking and investment market; notes that consolidation in the banking sector has increased the market share of several financial institutions so that it now exceeds pre-crisis levels, and that the financial investment industry has grown simultaneously without any gain for the real economy in the Union; believes that to maintain a fully functioning single market there must be a level playing field for actors in the financial industry and measures must be taken to avoid decreased transparency and the development of cartel-like constructions;
65. Acknowledges the important role played by state aid control since the beginning of the crisis as a restructuring and resolution mechanism for distressed banks;
66. Believes that state aid control during the crisis should focus both on stabilising the banking system and on tackling unfair segmentation of the credit conditions and discrimination affecting SMEs in the single market;
67. Believes that the Commission should consider the possibility for state aid to banks to be linked to conditionality on credit to SMEs;
68. Believes that banking regulations should take into account the fact that small institutions have less resources for ensuring compliance, and should therefore be as simple as possible in order to avoid creating distortions in favour of big banks;
69. Urges the Commission to closely monitor those markets in the banking sector where concentration is high or growing, in particular as a result of restructuring in response to the crisis; recalls that oligopolistic markets are particularly prone to anti-competitive practices; fears that this concentration may ultimately harm consumers;
70. Urges the Commission to make sure that before receiving any state aid banks sell their stakes in other companies, thereby reducing the burden for the taxpayer;



71. Considers that special attention must be paid to the fragmentation of the electronic card payments market, including problems such as loss of service when consumers move to another Member State;
72. Welcomes the CJEU ruling of 11 September 2014 on anti-competitive credit card fees, as well as the successful actions undertaken by the Commission to ensure that standardisation processes in the payments sector do not affect market entry and innovation; reiterates Parliament's position that card payment fee caps should be introduced in order to reduce unnecessary costs for consumers; asks the Commission, in this context, to accelerate the process of mapping standardisation work for mobile payments, while ensuring that any action taken does not exclude new entrants or favour dominant players, and that the regulatory framework is technologically neutral in order to facilitate future technological developments;
73. Believes that the externalities of developments in this sector should be carefully monitored; expresses its concern at the development of different standards among equal competitors as a consequence of the standardisation of financial regulations;
74. Notes the considerable progress that has been made since 2008 in regulating the financial sector; stresses the need to further address the problem of financial institutions which are too big to fail and as a result continue to benefit from implicit subsidies; believes that a comprehensive analysis of the competitive aspects of new EU financial regulation should be included in the upcoming ECON report on the impact assessment and stocktaking of the financial services legislation, with a view to ensuring that EU banks are competitive with international financial institutions in all circumstances;

#### *Fiscal state aid*

75. Stresses the importance of conducting a thorough analysis of each Member State's tax laws with a view to putting forward, in accordance with competition rules and in the context of globalisation, tax harmonisation measures which support SMEs and foster their growth and which ensure that Member States are competitive on world markets;
76. Expresses its concern over possible illegal corporate tax practices in Member States, and calls on the Commission to conclude its ongoing investigations into tax rulings as speedily as possible using all available evidence; calls for investigations into tax cuts, which may constitute a form of illegal state aid to be given priority; stresses that fairer tax competition is indispensable for the integrity of the internal market, the viability of public finances and equal competition conditions;
77. Highlights the publication of the so-called 'LuxLeaks' documents by the International Consortium of Investigative Journalists; welcomes the commitment of the Commissioner for Competition to a thorough and independent investigation of Member States' tax rulings practices and their compliance with EU competition law; notes that the avoidance of taxes by some enterprises distorts competition in the single market; encourages the Commission to vigilantly enforce EU state aid control rules;
78. Calls on the Commission President to ensure the independence of the ongoing and future investigations of Member States' tax ruling practices led by the Commissioner for

Competition; insists that Parliament be kept informed of the broad progress of these investigations, with a view to ensuring that they are conducted in a transparent and independent manner; calls on the Commission to present a report on its findings as soon as possible; recalls the commitment made by the Commissioner for Competition to consider the wider implications for competition of aggressive tax avoidance practices undertaken by companies and encouraged by states and to extend the investigation should this be deemed necessary once the facts have been collected;

*Agri-food industry*

79. Calls on the Commission, in its upcoming review of the CAP reform, to investigate cofinancing for transferred funds, calls for a simplification of EFA measures that focus on competitiveness, and for a competition-neutral review of EFA factors for catch crops and nitrogen-fixing crops;
80. Calls on the Commission, following its recent review of the economic impact of modern retail on choice and innovation in the EU food sector, to consider the potential impact of large supermarkets dominating the market to such an extent that their collective buying power distorts competition among supply chains, in both Europe and the developing world;

*Pharmaceutical and health services sector*

81. Notes that this sector is fragmented owing to national regulation; welcomes the contribution of EU competition policy in tackling artificial barriers to entry;
82. Calls for special consideration to be given to innovative medicinal products and medical procedures when cases involving temporary price formation are assessed;
83. Notes that competition policy may play a role in improving access to generic pharmaceuticals;

*Transport and postal services*

84. Calls on the Commission and the Member States to ensure a level playing field which allows free but also fair competition in all transport modes; acknowledges, however, in that connection, that proper account must also be taken of a multitude of specific national transport law provisions; stresses that transport infrastructure is essential to the survival and wellbeing of natural and legal persons, especially in sparsely populated regions and peripheral islands;
85. Calls on the Commission and the Member States to increase their efforts to guarantee fair competition and better quality of services in the railway sector, as well as in the management of port and airport networks, particularly where their management is a central government monopoly; stresses that competition does not necessarily entail privatisation of the existing services; also calls on the Commission to ensure that carriers do not abuse their dominant position in certain airports;
86. Believes that the Commission should further strengthen the links between competition

policy and transport policy in order to improve the competitiveness of the European transport sector and continue to make progress towards completing the single market in transport;

87. Urges the Commission to complete the implementation of the Single European Railway Area, ensure full transparency in flows of money between infrastructure managers and railway undertakings, and verify that each Member State has a strong and independent national regulator;
88. Stresses that the single market in the rail freight sector is affected by incorrect or incomplete transposition of EU law by Member States and by bottlenecks to cross-border mobility that harm competition and growth; calls on the Commission to verify whether technical or market barriers that differ from one Member State to another, such as track gauges, energy supply and signalling systems, can be considered infringements of competition rules;
89. Invites the Commission to provide a justified overview to ascertain which air carriers benefit from advantages over other service providers through special conditions or alleged abuses of their dominant position in certain airports;
90. Expresses its concern at differing implementation and enforcement by Member States of regulations related to international road transport, e.g. the regulation of cabotage and resting times in road transport, as well as at potential social dumping practices within transport services in a broader sense, and believes that these problems must be addressed;
91. Welcomes the initiative of the Commission directed at international car rental companies aimed at ending practices preventing consumers from accessing best available prices on the basis of their country of residence; stresses that consumers should not be prevented from making use of the best available rate when purchasing goods or services within the single market.
92. Calls on the Commission to take action to reduce fragmentation in the car rental sector, as currently national regulations greatly increase the costs for trans-border movements, thus damaging the single market;
93. Stresses that efforts to encourage a competitive EU must at all times work in the interests of the public; recognises the link between an effective EU competition policy and the need for large-scale investment in vital public services, including transport services;

#### *Culture and sport*

94. Urges the Commission to look into the restrictive and abusive practices of international sport federations, such as denying their members the right to take part in alternative sport events that are not sanctioned by the respective federations and imposing life bans on athletes, officials and coaches on participation in competitions such as the Olympic Games and world championships in case of non-compliance;

## **International dimension**

95. Calls for the inclusion of a competition chapter, to include provisions covering antitrust, mergers, state-owned enterprises, subsidies and unequal market access, within the Transatlantic Trade and Investment Partnership agreement; calls for neutral media coverage of the measures contained in and problems and progress concerning such agreements;
96. Recognises and supports the need of the Commission to reinforce the role of competition policy in international economic cooperation , including through cooperation with competition agencies globally; recalls that such regulatory and enforcement-linked cooperation helps ensure a level playing field for European companies active on global markets;
97. Emphasises that international cooperation is essential to the effective application of competition law principles in the era of globalisation; calls on the Commission, therefore, to foster closer international cooperation on competition-related issues;
98. Calls on the Commission to examine the scope for concluding competition agreements with more third countries that facilitate exchanges of information between investigating authorities; emphasises that in this regard the competition agreement recently concluded with Switzerland can serve as a model for future agreements of this kind;

## **Role of the European Parliament**

99. Highlights the provision made in the Framework Agreement for equal treatment of Parliament and the Council regarding access to meetings and the provision of information in the preparation of legislation or soft law in the field of competition policy;
100. Highlights the essential role of the European Parliament in representing the interests of European consumers in the proper enforcement of competition rules;
101. Welcomes Parliament's role as co-legislator for the Directive on Antitrust Damages Actions, and considers the proceedings on this directive to be an example for future institutional collaboration in competition matters;
102. Reiterates that in shaping competition policy the Commission must be fully accountable and must follow up Parliament's resolutions;
103. Calls on the Commissioner to commit to frequent meetings with the relevant committee(s) of Parliament, as well as with the Competition Working Group of Parliament's Committee on Economic and Monetary Affairs;
104. Considers that the EP should have codecision powers in competition policy; regrets that Articles 103 and 109 TFEU provide only for the consultation of Parliament; believes that this democratic deficit cannot be tolerated; proposes that this deficit be overcome as soon as possible through interinstitutional arrangements in the field of competition policy and corrected in the next Treaty change;

## **Competition policy priorities of the Commission**

105. Emphasises the role of the Commissioner for Competition in promoting jobs and growth, as well as the digital single market, energy policy, financial services, industrial policy and the fight against tax evasion;
106. Urges the Commission to develop guidelines and procedures within the framework of the ECN, ensuring efficient oversight of the compliance of Member States' tax rulings with state aid rules;
107. Welcomes the Commission's commitment to an effective enforcement of competition rules in the areas of antitrust and cartels, mergers and state aid, maintaining competition instruments aligned with market developments while also promoting an innovative competition culture, both in the EU and globally;
108. Calls on the Commission to assess its handling of recent antitrust cases and address the formalistic concerns which have been raised;
109. Calls on the Commission to draw up coordinated proposals on tax competition and to submit them to the Council;
110. Calls on the Commission to continue reporting to Parliament, on an annual basis, on developments and effects in the application of competition policy;
111. Welcomes the commitments made by the Commissioner during her hearing, in particular as regards future cooperation and strengthening of relations with Parliament;
112. Calls on the Commission to do more to promote an active competition policy as a pillar of the social market economy;
113. Takes the view that a scoreboard in the form of a casebook should be made available promptly to consumers and undertakings;
114. Notes the continuing lack of clarity in many Member States over whether funding for European Consumer Centres is regarded as illegal state aid; is concerned that funding for such centres is being jeopardised as a result; calls on the Commission to inform the Member States as soon as possible about the need to provide notification of such funding in order to guarantee the continued support operations of the European Consumer Centres;
115. Calls on the Commission and the Member States to ensure that the authorities at all political levels undertake to comply to the letter with the rules on state aid;
116. Calls for a joint body, bringing together representatives of Parliament, the Council and the Commission and academics, to be set up to analyse long-term trends in and the future development of competition policy in future-oriented sectors such as the digital economy or the energy sector;
117. Calls for an uncompromising analysis of what constitutes responsible national tax policy, in particular as regards unfair tax policies and tax arrangements and exemptions

which distort competition, so that effective action can be taken against such practices in the future;

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118. Instructs its President to forward this resolution to the Council, the Commission and the national competition authorities.

## EXPLANATORY STATEMENT

It should be clear to all that competition policy and competitiveness in general is of vital importance to the health and success of the EU as a whole and therefore her citizens. It is by fostering an innovative competitive culture that we might be able to finally emerge from the financial crisis. Through effective competition policy we can consolidate and improve the EU's importance worldwide. As we start a new political mandate "competitiveness" must be at the forefront of our political agenda.

As we seek to encourage a competitive European Union and look to continually improve competition policy, the Rapporteur is keen to stress the important role the European Parliament must play in this endeavour. The Rapporteur welcomes the commitments made by the Commissioner during her hearing in front of the ECON Committee and in particular;

- to establish a close and fruitful relationship at all levels with the Parliament;
- to enforce the EU competition rules in a firm and fair way;
- to respect subsidiarity and the decisions of national courts in the field of competition policy;
- to determinately fight cartels;
- to investigate companies in a monopoly or dominant position from abusing their market power;
- to ensure the follow up of the State aid modernisation;
- to observe the financial sector in order to monitor state aid provision, in particular following the forthcoming ECB stress test exercise;
- to cooperate closely with other authorities in third countries and international organisations to investigate any suspected illegal use of tax benefits related to State aid and to explore how competition policy can support other policies such as the EU tax policy;
- to be transparent in all her meetings with external stakeholders;
- to shape EU Competition policy with full respect of the Treaties;

The Rapporteur would like them to be included in her strategic priorities for the coming five years. The Rapporteur would like the Commissioner for Competition to commit to regular meetings with the European Parliament, both with the relevant committees but also with smaller groups of interested MEPs in order to enhance the competition dialogue between institutions. MEPs are elected to represent the interests and concerns of their electorate. Competition policy must benefit consumers, businesses and society as a whole. The Rapporteur would particularly like the European Parliament to play a role in the Union's formulation of policy for a digital single market, the energy sector, financial services, the industrial and transport sector.

The Rapporteur believes the priorities set out in the report “Priorities towards a Digital Single Market in the Baltic Sea Region” ought to be ambitions for the entire EU in developing a true digital single market; in particular addressing:

- Trust
- Privacy and Data Protection
- Cybercrime and Security
- Digital Content and Copyright
- Interoperability and Standards
- e-Payments
- Electronic Contracting, Tendering and Invoicing
- e-Government
- Digital Infrastructure
- e-Procurement
- Public Sector Information and Open Data
- Roaming, and
- Online intermediaries

The new European Commission College is based on the pursuit of “Jobs, Growth, Investment and Competitiveness” and new vice-presidential positions have been created to promote and coordinate policy in order to achieve these goals. The Rapporteur welcomes the commitment shown by the new College and by the Commissioner for Competition in particular to work together across the College and in particular with the Vice-President for Jobs, Growth, Investment and Competitiveness, the Vice-President for the Digital Single Market and the Vice-President for Energy Union when formulating policy. Competition and state aid policies and the instruments of general scope related to them will be drafted in coordination with the Vice-President for Jobs, Growth, Investment and Competitiveness in order to ensure their suitability and effectiveness. As we work towards completing the Single Market, cooperation across sectors and coordinated initiatives are of utmost importance.

EU competition policy has brought numerous benefits in terms of consumer welfare and has been an essential tool to eliminate obstacles to the free movement of goods, services, persons and capital. The Rapporteur would like to capitalise on this and believes that competition policy continues to be an essential tool for preserving the single market and protecting consumer interest. As we commence a new mandate the Rapporteur would like to see an assessment of current competition policy initiatives and in turn new proposals or amendments to current rules in order to deal with the challenges we face.



23.1.2015

## **OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION**

for the Committee on Economic and Monetary Affairs

on the Annual Report on EU Competition Policy  
(2014/2158(INI))

Rapporteur: Kaja Kallas

### **SUGGESTIONS**

The Committee on the Internal Market and Consumer Protection calls on the Committee on Economic and Monetary Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Stresses that tackling the fragmentation of the digital single market, including by investigating the nature of existing barriers to key sectors of that market, guaranteeing an open internet and enshrining net neutrality in EU law, so as to ensure that all internet traffic is treated equally, without discrimination, restriction or interference, are essential to foster competition and to boost growth and competitiveness and consumer trust in the digital sector; is of the opinion that open standards and interoperability contribute to fair competition; highlights the need for competition policy to be future- proof and take into account new ways of selling online;
2. Stresses that efforts to foster free and fair competition, including through the development of the digital single market, as well as other aspects of the services sector, should work in the interests of consumers and SMEs; reiterates that such efforts will enhance choice for consumers and develop an environment in which SMEs and micro-enterprises can display greater innovation and creativity; believes that swift action by regulators and enforcement authorities against misleading and unfair practices is essential in the implementation of competition policy;
3. Notes that the online search engine and advertising markets are of particular importance in ensuring competitive conditions within the digital single market; calls on the Commission, therefore, to fully enforce the competition rules and to address competition concerns on these markets, taking into account the entire structure of the digital single market and using all tools at its disposal to improve the competitive situation, so as to find remedies that benefit all parties; believes that abusive dominant positions created by the so-called

‘first mover’ advantages and network effects in the digital sector, in particular in new digital peer-to-peer services, should be more closely monitored;

4. Emphasises in this respect that fair competition does not only mean that there should be no abuse of market power, but also that there should be a sufficient number of market players and that markets should remain open for new entrants; calls, therefore, on the Commission to investigate the nature of existing entry barriers to key sectors of the digital single market;
5. Strongly welcomes the commitments made by Commissioner Vestager in her hearing before Parliament, especially as regards closer collaboration with Parliament; welcomes her comment that protecting against distortions of competition and abuses of dominant position in the digital economy is ultimately for the benefit of consumers; respects the independence of the Commission’s antitrust procedures and decisions, including in relation to complaints; emphasises the need for more transparency from the authorities in charge of implementing competition and data protection rules;
6. Considers that Union competition policy should not be detrimental to other policies; calls on the Union and the Member States to promote the development of European global leaders in growth-generating areas such as the digital sector;
7. Calls on the Member States to implement the new EU public procurement rules in a timely manner, including the provisions on criteria linked to the subject-matter of the contract, including social, environmental and innovative characteristics, and on e-administration, e-procurement and division into lots, in order to boost fair competition and ensure best value for money for public authorities; urges the Commission to ensure their application to the fullest possible extent in order to tackle distortions of competition caused by bid rigging, abuses of dominant position, discrimination and lack of access for SMEs; calls on the Commission to set its action within a global framework by linking the Union’s competition policy within Europe to advocacy for the opening of public procurement markets outside the EU;
8. Stresses the importance of detailed and clear guidance to businesses, particularly SMEs, and public authorities from the Commission to facilitate their understanding of the recently adopted public procurement legislation and, particularly, the new flexibilities it offers;
9. Calls on the Commission to carefully monitor the centralisation of purchases in public procurement markets in order to avoid excessive concentration of purchasing power and collusion, and to preserve market access opportunities for SMEs in accordance with the Small Business Act for Europe;
10. Calls on the Commission, when conducting public procurement procedures through its Directorates-General and agencies, to award more low-value contracts and contracts above EUR 193 000, rather than almost exclusively using framework contracts, which constitute a barrier to opening the public procurement market to European SMEs as they only benefit large companies and consortia located close to the decision-making centres;
11. Welcomes the adoption of the Directive on antitrust damages actions, which will give

victims of infringements of EU antitrust law access to compensation; believes that timely and adequate implementation of this Directive is essential in order to evaluate its intended positive effect on increasing access to legal action for SMEs and individual consumers; stresses that access to justice in this field, including where necessary the availability of a collective approach to redress, is essential to achieving the aims of EU competition policy; calls on the Commission to monitor closely the implementation of the Directive by the Member States, and to ensure that its provisions are applied evenly throughout the EU;

12. Notes the continuing lack of clarity in many Member States over whether funding for European Consumer Centres is regarded as illegal state aid; is concerned that funding for such centres is being jeopardised as a result; calls on the Commission to inform the Member States as soon as possible about the need to provide notification of such funding in order to guarantee the continued support operations of the European Consumer Centres;
13. Welcomes the White Paper entitled ‘Towards more effective merger control’, aimed at improving and simplifying procedures; considers that effective tools to tackle distortions of competition are crucial for the functioning of the single market, and ultimately benefit consumers; believes that, whereas the acquisition of non-controlling minority shareholdings might in some cases be harmful to competition, the right balance should be found between tackling distortions of competition and creating undue burdens for businesses;
14. Considers that the lack of competition in network industries requires a more coordinated approach between political and regulatory action, antitrust enforcement, and public and private sector infrastructure investment; welcomes the Commission’s plan to address the existing challenges in the energy market; emphasises, in this context, the importance of fair competition and of implementing competition rules, as contributing to sustainability, competitiveness and security of supply;
15. Welcomes the CJEU ruling of 11 September 2014 on anti-competitive credit card fees, as well as the successful actions undertaken by the Commission to ensure that standardisation processes in the payments sector do not affect market entry and innovation; reiterates Parliament’s position that card payment fee caps should be introduced in order to reduce unnecessary costs for consumers; in this context, asks the Commission to accelerate the process of mapping standardisation work for mobile payments, while ensuring that any action taken does not exclude new entrants or favour dominant players, and that the regulatory framework is technologically neutral in order to facilitate future technological developments;
16. Emphasises the single market dimension of competition policy under the Treaty and the importance of consumer protection in shaping competition policy; calls on this Commission to continue the structured dialogue which its predecessor began with Parliament;
17. Reiterates that a competitive single market is needed to boost growth and create quality jobs in Europe; stresses that competition policy is a key area in which Europe can further deliver for its citizens by making the single market more efficient;
18. Highlights the fact that competition policy plays a key role in reinforcing the holistic

approach to the single market to address Europe's economic, social and environmental challenges; calls on the Commission effectively to respect citizens', consumers' and SMEs' needs by placing their concerns at the centre of the decision-making process so that the competition policies proposed can provide added value for European citizens;

19. Welcomes the initiative of the Commission against international car rental companies to end practices preventing consumers from accessing best available prices on the basis of their country of residence; stresses that consumers should not be prevented from making use of the best available rate when purchasing goods or services within the single market.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	22.1.2015
<b>Result of final vote</b>	+ :            34 - :            1 0 :            2
<b>Members present for the final vote</b>	Dita Charanzová, Carlos Coelho, Anna Maria Corazza Bildt, Daniel Dalton, Nicola Danti, Dennis de Jong, Pascal Durand, Vicky Ford, Ildikó Gáll-Pelcz, Evelyne Gebhardt, Maria Grapini, Sergio Gutiérrez Prieto, Eduard-Raul Hellvig, Robert Jarosław Iwaszkiewicz, Liisa Jaakonsaari, Philippe Juvin, Jiří Maštálka, Eva Paunova, Jiří Pospíšil, Marcus Pretzell, Robert Rochefort, Virginie Rozière, Christel Schaldemose, Andreas Schwab, Olga Sehnalová, Igor Šoltes, Ivan Štefanec, Catherine Stihler, Róza Gräfin von Thun und Hohenstein, Mylène Troszczynski, Anneleen Van Bossuyt, Marco Zullo
<b>Substitutes present for the final vote</b>	Lucy Anderson, Pascal Arimont, Kaja Kallas, Roberta Metsola, Marc Tarabella

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	27.1.2015
<b>Result of final vote</b>	+: 51 -: 2 0: 4
<b>Members present for the final vote</b>	Burkhard Balz, Hugues Bayet, Pervenche Berès, Esther de Lange, Fabio De Masi, Anneliese Dodds, Markus Ferber, Jonás Fernández, Elisa Ferreira, Sven Giegold, Sylvie Goulard, Brian Hayes, Danuta Maria Hübner, Petr Ježek, Georgios Kyrtos, Alain Lamassoure, Werner Langen, Bernd Lucke, Olle Ludvigsson, Ivana Maletić, Costas Mavrides, Bernard Monot, Luděk Niedermayer, Patrick O'Flynn, Dariusz Rosati, Alfred Sant, Molly Scott Cato, Peter Simon, Renato Soru, Theodor Dumitru Stolojan, Kay Swinburne, Sampo Terho, Michael Theurer, Ernest Urtegas, Marco Valli, Cora van Nieuwenhuizen, Jakob von Weizsäcker, Steven Woolfe, Pablo Zalba Bidegain, Marco Zanni
<b>Substitutes present for the final vote</b>	Matt Carthy, Richard Corbett, Ildikó Gáll-Pelcz, Sophia in 't Veld, Ramón Jáuregui Atondo, Eva Kaili, Barbara Kappel, Rina Ronja Kari, Jeppe Kofod, Paloma López Bermejo, Thomas Mann, Morten Messerschmidt, Siegfried Mureşan, Michel Reimon, Andreas Schwab, Tibor Szanyi, Romana Tomc, Nils Torvalds
<b>Substitutes under Rule 200(2) present for the final vote</b>	Rikke Karlsson, Helga Stevens