



**2016/2100(INI)**

18.10.2016

# **AMENDMENT**

## **1 - 77**

**Draft opinion**  
**Andreas Schwab**  
(PE589.273v01-00)

Annual Report on EU Competition Policy  
(2016/2100(INI))

AM\_Com\_NonLegOpinion

**Amendment 1**  
**Notis Marias**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Stresses that competition policy is a vital part of the internal market, as provided for in the Treaty; reiterates that a competitive single market is needed to boost growth in the EU and that efforts to preserve fair competition in the EU as a whole **are** in the interest of consumers and SMEs;

*Amendment*

1. Stresses that competition policy is a vital part of the internal market, as provided for in the Treaty; reiterates that a competitive single market is needed to boost growth in the EU **Member States** and that efforts to preserve fair competition in the EU as a whole **must be** in the interest of consumers and **help strengthen** SMEs;

Or. el

**Amendment 2**  
**Eva Paunova**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Stresses that competition policy is a vital part of the internal market, as provided for in the Treaty; reiterates that a competitive single market is needed to boost growth in the EU and that efforts to preserve fair competition in the EU as a whole are in the interest of consumers and SMEs;

*Amendment*

1. Stresses that competition policy is a vital part of the internal market, as provided for in the Treaty; reiterates that a competitive **and fully-functioning** single market is needed to boost **sustainable** growth in the EU and that efforts to preserve fair competition in the EU as a whole are in the interest of consumers, **Start-ups** and SMEs;

Or. en

**Amendment 3**  
**Christel Schaldemose**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

*Amendment*

1. Stresses that competition policy is a vital part of the internal market, as provided for in the Treaty; reiterates that a competitive single market is needed to boost growth in the EU and that efforts to preserve fair competition in the EU as a whole are in the interest of consumers and SMEs;

*(Does not affect the English version.)*

Or. da

**Amendment 4**  
**Dennis de Jong**

**Draft opinion**  
**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

*1a. Expresses its concern with the level of concentration in some sectors, such as in the chemical sector, in light of the recent mergers between, for example, Dow Chemical and Dupont, and between Bayer and Monsanto; requests 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 5**  
**Ramon Tremosa i Balcells**

**Draft opinion**  
**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

***1a. Welcomes the Commission's investigations into certain anti-competitive practices by a number of companies, in particularly Google, Amazon, Qualcomm and other media companies, film studios and TV distributors; calls on the Commission to speed up all procedures against behaviour which infringes EU antitrust rules; calls on the Commission to address Google's widespread abuse of its dominant position across key vertical search markets, including local search;***

Or. en

**Amendment 6**  
**Richard Sulík**

**Draft opinion**  
**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

***1a. Notes that unlike funding from European structural and investment funds, EFSI-supported project funding provided by the EIB does not fall under State aid rules; stresses that in principle there is no difference between public support whether it is in the form of public subsidies, public loans or public guarantees; suggests that EFSI-supported projects should fall under State aid rules to ensure competitive and well-functioning Single Market;***

Or. en

**Amendment 7**  
**Biljana Borzan**

**Draft opinion**  
**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

***1a. Points out that consumers on the single market are being sold products containing ingredients that differ from one consignment to another even though the brand name and the packaging is the same; calls on the Commission to determine whether this practice has negative repercussions for local producers, especially SMEs, and does it result in discrimination of consumers by placing products of lower quality;***

Or. en

**Amendment 8**  
**Christel Schaldemose, Marc Tarabella, Virginie Rozière, Liisa Jaakonsaari, Marlene Mizzi, Lucy Anderson, Olga Sehnalová**

**Draft opinion**  
**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

***1a. Reminds the Commission and Member States that competitiveness is a measure of economic ability to provide the European citizens with high and rising standards of living and high rates of employment on a sustainable basis<sup>1a</sup> ;***

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<sup>1a</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52002DC0714>

Or. en

**Amendment 9**  
**Jan Philipp Albrecht, Julia Reda**

**Draft opinion**  
**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

*1a. Welcomes the recent decision by the Commission which condemns undue fiscal advantages to businesses as anti-competition practices; calls on the Commission to pursue in the same direction for similar cases;*

Or. en

**Amendment 10**  
**Christel Schaldemose, Marc Tarabella, Virginie Rozière, Anna Hedh, Liisa Jaakonsaari, Marlene Mizzi, Biljana Borzan, Lucy Anderson, Nicola Danti, Olga Sehnalová**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

*Amendment*

2. Emphasises that EU competition law and authorities need to guarantee a level playing field in the digital single market; calls on the Commission to pursue *a policy of active, effective and accelerated* enforcement of the competition rules, in particular in the online search and mobile internet sector, in order to remove barriers to innovation and to enable EU consumers to seize all the opportunities that a genuine digital single market can offer;

2. Emphasises that EU competition law and authorities need to guarantee a level playing field *for businesses and a real choice for consumers* in the digital single market; calls on the Commission to pursue effective enforcement of the competition rules, in particular in the online search *services* and mobile internet sector, in order to remove barriers to innovation and to enable EU consumers to seize all the opportunities that a genuine digital single market can offer; *stresses that the Commission should also ensure that the digital economy e.g. platform economy are not being misused to undermine consumers and worker's rights on the single market. This can lead to resistance to developing a fair digital single market;*

Or. en

**Amendment 11**  
**Philippe Juvin, Andreas Schwab, Lara Comi**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

2. Emphasises that EU competition law and authorities need to guarantee a level playing field in the digital single market; calls on the Commission to pursue a policy of active, effective and accelerated enforcement of the competition rules, in particular in the online search and mobile internet sector, in order to remove barriers to innovation and to enable EU consumers to seize all the opportunities that a genuine digital single market can offer;

*Amendment*

2. Emphasises that EU competition law and authorities need to guarantee a level playing field in the digital single market; calls on the Commission to ***launch an in-depth debate on how far the traditional reasoning underlying competition law is suited to the specific conditions of the digital world and its new challenges, and asks it to*** pursue a policy of active, effective and accelerated enforcement of the competition rules, in particular in the online search and mobile internet sector, in order to remove barriers to innovation and to enable EU consumers to seize all the opportunities that a genuine digital single market can offer;

Or. fr

**Amendment 12**  
**Franz Obermayr**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

2. Emphasises that EU competition law and authorities need to guarantee a level playing field in the digital single market; calls on the Commission to pursue a policy of active, effective and accelerated enforcement of the competition rules, in particular in the online search and mobile internet sector, in order to remove barriers to innovation and to enable EU consumers to seize all the opportunities that a genuine

*Amendment*

2. Emphasises that EU competition law and authorities need to guarantee a level playing field in the digital single market; calls on the Commission to pursue a policy of active, effective and accelerated enforcement of the competition rules, in particular in the online search and mobile internet sector, in order to remove barriers to innovation and to enable EU consumers to seize all the opportunities that a genuine



digital single market can offer;

digital single market can offer; ***also calls, to that end, for further investment in the necessary infrastructure, in order to fully exploit all the available potential;***

Or. de

### **Amendment 13**

**Andreas Schwab, Pascal Arimont, Philippe Juvin, Mihai Țurcanu**

#### **Draft opinion**

##### **Paragraph 2**

###### *Draft opinion*

2. Emphasises that EU competition law and authorities need to guarantee a level playing field in the digital single market; calls on the Commission to pursue a policy of active, effective and accelerated enforcement of the competition rules, in particular in the online search and mobile internet sector, in order to remove barriers to innovation and to enable EU consumers to seize all the opportunities that a genuine digital single market can offer;

###### *Amendment*

2. Emphasises that EU competition law and authorities need to guarantee a level playing field in the digital single market; calls on the Commission to pursue a policy of active, effective and accelerated enforcement of the competition rules, in particular in the online search and mobile internet sector, in order to ***combat the abuse of dominant positions and thereby*** remove barriers to innovation and to enable EU consumers to seize all the opportunities that a genuine digital single market can offer; ***calls for the closure of lengthy key proceedings in this area before the end of this year;***

Or. en

### **Amendment 14**

**Richard Sulík**

#### **Draft opinion**

##### **Paragraph 2**

###### *Draft opinion*

2. Emphasises that EU competition law and authorities need to guarantee a level playing field in the digital single market; calls on the Commission to pursue

###### *Amendment*

2. Emphasises that EU competition law and authorities need to guarantee a level playing field in the digital single market; calls on the Commission to pursue

a policy of active, effective and accelerated enforcement of the competition rules, in particular in the online search *and* mobile internet sector, in order to remove barriers to innovation and to enable EU consumers to seize all the opportunities that a genuine digital single market can offer;

a policy of active, effective and accelerated enforcement of the competition rules, in particular in the online search, mobile internet sector *and digitalization of public sector (eGovernment)*, in order *to continuously monitor compliance with EU competition rules in regards to EU expenditure*, to remove barriers to innovation and to enable EU consumers to seize all the opportunities that a genuine digital single market can offer;

Or. en

## Amendment 15

Mylène Troszczynski, Matteo Salvini

### Draft opinion

#### Paragraph 2

##### *Draft opinion*

2. Emphasises that EU competition law and authorities need to guarantee a level playing field in the digital single market; calls on the Commission to pursue a policy of active, effective and accelerated enforcement of the competition rules, in particular in the online search and mobile internet sector, in order to remove barriers to innovation *and to enable EU consumers to seize all the opportunities that a genuine digital single market can offer*;

##### *Amendment*

2. Emphasises that EU competition law and authorities need to guarantee a level playing field in the digital single market; calls on the Commission to pursue a policy of active, effective and accelerated enforcement of the competition rules, in particular in the online search and mobile internet sector, in order to remove barriers to innovation;

Or. fr

## Amendment 16

Eva Paunova

### Draft opinion

#### Paragraph 2

##### *Draft opinion*

2. Emphasises that EU competition

##### *Amendment*

2. Emphasises that EU competition

law and authorities need to guarantee a level playing field in the digital single market; calls on the Commission to pursue a policy of active, effective and accelerated enforcement of the competition rules, in particular in the online search and mobile internet sector, in order to ***remove barriers to innovation*** and to enable EU consumers to seize all the opportunities that a genuine digital single market can offer;

law and authorities need to guarantee a level playing field in the digital single market; calls on the Commission to pursue a policy of active, effective and accelerated enforcement of the competition rules, in particular in the online search and mobile internet sector, in order to ***foster innovation and innovative business models*** and to enable EU consumers to seize all the opportunities that a genuine digital single market can offer;

Or. en

## **Amendment 17** **Notis Marias**

### **Draft opinion** **Paragraph 2**

#### *Draft opinion*

2. Emphasises that EU competition law and authorities need to guarantee a level playing field in the digital single market; calls on the Commission to pursue a policy of active, effective and accelerated enforcement of the competition rules, in particular in the online search and mobile internet sector, in order to remove barriers to innovation and to enable EU consumers to seize all the opportunities that a genuine digital single market can offer;

#### *Amendment*

2. Emphasises that EU competition law and authorities need to ***be improved and to*** guarantee a level playing field in the digital single market; calls on the Commission to pursue a policy of active, effective and accelerated enforcement of the competition rules, in particular in the online search and mobile internet sector, in order to remove barriers to innovation and to enable EU consumers to seize all the opportunities that a genuine digital single market can offer;

Or. el

## **Amendment 18** **Dita Charanzová, Kaja Kallas, Morten Løkkegaard**

### **Draft opinion** **Paragraph 2**

*Draft opinion*

2. Emphasises that EU competition law and authorities need to guarantee ***a level playing field*** in the digital single market; calls on the Commission to pursue a policy of active, effective and accelerated enforcement of the competition rules, ***in particular in the online search and mobile internet sector***, in order to remove barriers to innovation and to enable EU consumers to seize all the opportunities that a genuine digital single market can offer;

*Amendment*

2. Emphasises that EU competition law and authorities need to guarantee ***both full national and trans-border competition*** in the digital single market; calls on the Commission to pursue a policy of active, effective and accelerated enforcement of the competition rules in order to remove barriers to innovation and to enable EU consumers to seize all the opportunities that a genuine digital single market can offer;

Or. en

**Amendment 19**  
**Ramon Tremosa i Balcells**

**Draft opinion**  
**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

***2a. Regrets the long duration of the investigations into Google's practices, the shopping search probe was opened in November 2010 <sup>1a</sup>and the fact that these investigations have already dragged on for several years without any final results; welcomes the Supplementary Statement of Objections sent by the Commission to Google on comparison shopping service <sup>1b</sup>; asks the EC to decide its next steps before the end of 2016; calls on the Commission to continue to examine determinedly all concerns identified in its investigations, including other areas of local search bias, as it is ultimately part of ensuring a level playing field for all market players in the digital market;***

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<sup>1a</sup> [http://europa.eu/rapid/press-release\\_IP-10-1624\\_en.htm](http://europa.eu/rapid/press-release_IP-10-1624_en.htm)

Or. en

**Amendment 20**  
**Philippe Juvin**

**Draft opinion**  
**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

*2a. Notes that, in their answers to the consultation on digital platforms, many economic operators say they regret the absence of a level playing field; takes the view that, in order to create fair conditions of competition, it is necessary to guarantee comparable rules for comparable digital services; also believes that the new economic models should be subject to the same rules as the traditional services they replace;*

Or. fr

**Amendment 21**  
**Richard Sulík**

**Draft opinion**  
**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

*2a. Notes that the Commission runs in-depth investigations of selective tax advantages granted in Luxembourg and Netherlands which are potentially illegal under EU State aid rules; stresses that not the companies but the Member States broke EU State aid rules; suggests that it should be the Member states who should bear the consequences of breaking the State aid rules, as companies only met the*

*conditions negotiated with the governments;*

Or. en

**Amendment 22**

**Dita Charanzová, Kaja Kallas, Morten Løkkegaard**

**Draft opinion**

**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

**2a. Believes that the independence of the Commission to rule on competition in the Single Market and the separation of powers between the European institutions must be fully respected; underlines that decisions should be based on the facts of a case and directed by the policy objectives of the EU competition policy;**

Or. en

**Amendment 23**

**Ildikó Gáll-Pelcz**

**Draft opinion**

**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

**2a. Urges the Commission to create a political toolkit, which is indispensable in order for the numerous forms and modalities of the digital economy, and particular the sharing economy, to receive support at EU level and in the individual Member States, to be applied, to become credible and to win trust;**

Or. hu

**Amendment 24**  
**Kaja Kallas, Dita Charanzová**

**Draft opinion**  
**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

**2a. Stresses that time is the key element of competition in the digital single market and quicker interventions and decisions are vital for the uniform enforcement and effectiveness of European competition policy;**

Or. en

**Amendment 25**  
**Jan Philipp Albrecht, Julia Reda**

**Draft opinion**  
**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

**2a. Emphasizes that market power of an enterprise resulting from information and data as well as the handling of such information and data by the enterprise has to be taken into account as a test criterion;**

Or. en

**Amendment 26**  
**Philippe Juvin**

**Draft opinion**  
**Paragraph 2 b (new)**

*Draft opinion*

*Amendment*

**2b. Notes that, while platforms permit millions of undertakings, including many European SMEs, to exploit the**

*advantages of e-commerce in terms of distribution, advertising and access to consumers, certain practices are increasingly being condemned and many questions are currently being raised in connection with B2B relations; stresses in this context that more than 80% of the replies to the public consultation on digital platforms called for EU action to ensure fairness in B2B relations; takes the view that regulatory and non-regulatory action could be necessary, as the market does not seem capable of remedying these situations by itself; calls on the Commission to take prompt action to halt certain practices which could endanger numerous European SMEs;*

Or. fr

**Amendment 27**  
**Ramon Tremosa i Balcells**

**Draft opinion**  
**Paragraph 2 b (new)**

*Draft opinion*

*Amendment*

**2b.** *Welcomes the Commission SO on Android, a thorough investigation into the Google practice is needed whereby the 'Android' operating system is offered only in conjunction with other Google services, and whereby manufacturers may not pre-install rival products; calls, furthermore, on the Commission to examine in detail Google's dominant market position in the area of direct hotel bookings and local searches, and to seek an appropriate solution to this problem; supports the Commission measures designed to bring about a greater degree of interoperability and portability across all digital sectors and, thereby, avoid a winner-takes-all scenario; stresses the importance of equipping the Commission with the right tools to maintain an up-to-date overview*



*of swift developments on the digital market;*

Or. en

**Amendment 28**  
**Ildikó Gáll-Pelcz**

**Draft opinion**  
**Paragraph 2 b (new)**

*Draft opinion*

*Amendment*

**2b. Takes the view that the new commercial models represented by platforms raise urgent questions relating inter alia to the application of national law and to ensuring payment of the relevant taxes; therefore calls on the Commission to address these concerns so that the benefits to society of these business models can become tangible in reality;**

Or. hu

**Amendment 29**  
**Jan Philipp Albrecht, Julia Reda**

**Draft opinion**  
**Paragraph 2 b (new)**

*Draft opinion*

*Amendment*

**2b. Calls for considering whether data and information on customers is merged as well during a merger that results in a distortion of competition and in a weakening of data protection;**

Or. en

**Amendment 30**  
**Dita Charanzová, Kaja Kallas, Morten Løkkegaard**

**Draft opinion**  
**Paragraph 2 b (new)**

*Draft opinion*

*Amendment*

**2b.** *Views competition as the key to a functioning single market and believes that European legislation should seek to ensure that competition;*

Or. en

**Amendment 31**  
**Jan Philipp Albrecht, Julia Reda**

**Draft opinion**  
**Paragraph 2 c (new)**

*Draft opinion*

*Amendment*

**2c.** *Reiterates that the number of users of an offer and the purchasing price have to be established as test criteria for mergers for the rating of market power;*

Or. en

**Amendment 32**  
**Jan Philipp Albrecht, Julia Reda**

**Draft opinion**  
**Paragraph 2 d (new)**

*Draft opinion*

*Amendment*

**2d.** *Calls on antitrust authorities to take into account an enterprise's access to exclusive analytical methods and patents. Considers that ignoring this might lead to the complete exclusion of competitors from markets for many years to the detriment of the consumers and competition;*

**Amendment 33**

**Richard Sulík**

**Draft opinion**

**Paragraph 3**

*Draft opinion*

3. *Calls for active monitoring of all possible competition issues related to geo-blocking and other restrictions on online sales; welcomes the ongoing e-commerce sector enquiry, which should be conducted thoroughly and brought to an expeditious close and which may provide useful input for other actions within the digital single market strategy;*

*Amendment*

*deleted*

**Amendment 34**

**Mylène Troszczynski, Matteo Salvini**

**Draft opinion**

**Paragraph 3**

*Draft opinion*

3. Calls for active monitoring of all possible competition issues *related to* geo-blocking and *other* restrictions on online sales; *welcomes the ongoing e-commerce sector enquiry, which should be conducted thoroughly and brought to an expeditious close and which may provide useful input for other actions within the digital single market strategy;*

*Amendment*

3. Calls for active monitoring of all possible competition issues, and *respect for Member States' powers in the cultural field, in connection with* geo-blocking and other *legitimate* restrictions on online sales;

## Amendment 35

Andreas Schwab, Pascal Arimont, Philippe Juvin, Lara Comi, Mihai Țurcanu, Eva Paunova

### Draft opinion

#### Paragraph 3

##### *Draft opinion*

3. Calls for active monitoring of all possible competition issues related to geo-blocking and other restrictions on online sales; welcomes the ongoing e-commerce sector enquiry, which should be conducted thoroughly and brought to an expeditious close and which may provide useful input for other actions within the digital single market strategy;

##### *Amendment*

3. Calls for active monitoring of all possible competition issues related to ***unjustified*** geo-blocking and other restrictions on online sales; ***regrets that most e-commerce takes place nationally and that a true internal market without national barriers is not existing in this sector***; welcomes the ongoing e-commerce sector enquiry, which should be conducted thoroughly and brought to an expeditious close and which may provide useful input for other actions within the digital single market strategy;

Or. en

## Amendment 36

Vicky Ford

### Draft opinion

#### Paragraph 3

##### *Draft opinion*

3. Calls for active monitoring of all possible competition issues related to geo-blocking and other restrictions on online sales; welcomes the ongoing e-commerce sector enquiry, which should be conducted thoroughly and brought to an expeditious close and which may provide useful input for other actions within the digital single market strategy;

##### *Amendment*

3. Calls for active monitoring of all possible competition issues related to geo-blocking and other restrictions on online sales; welcomes the ongoing e-commerce sector enquiry, which should be conducted thoroughly and brought to an expeditious close and which may provide useful input for other actions within the digital single market strategy; ***encourages the Commission to create a business environment ensuring the development of innovative ideas***;

Or. en

**Amendment 37**  
**Franz Obermayr**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Calls for active monitoring of all possible competition issues related to geo-blocking and other restrictions on online sales; welcomes the ongoing e-commerce sector enquiry, which should be conducted thoroughly and brought to an expeditious close and which may provide useful input for other actions within the digital single market strategy;

*Amendment*

3. Calls for active monitoring of all possible competition issues related to geo-blocking and other restrictions on online sales, ***taking due account of data protection***; welcomes the ongoing e-commerce sector enquiry, which should be conducted thoroughly and brought to an expeditious close and which may provide useful input for other actions within the digital single market strategy;

Or. de

**Amendment 38**  
**Maria Grapini**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Calls for active monitoring of all possible competition issues related to geo-blocking and other restrictions on online sales; welcomes the ongoing e-commerce sector enquiry, which should be conducted thoroughly and brought to an expeditious close and which may provide useful input for other actions within the digital single market strategy;

*Amendment*

3. Calls for active monitoring of all possible competition issues related to geo-blocking and other restrictions on online sales; welcomes the ongoing e-commerce sector enquiry, which should be conducted thoroughly and brought to an expeditious close and which may provide useful input for other actions within the digital single market strategy ***and for cross-border trade***;

Or. ro

**Amendment 39**  
**Jan Philipp Albrecht, Julia Reda**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

**3a.** *Stresses the risk of quality deterioration for consumers and the risk of a deterioration of the terms of competition during a merger of enterprises in a dominant market position. Considers that these risks should be placed more into the focus of cartel authorities;*

Or. en

**Amendment 40**  
**Richard Sulík**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

**3a.** *Asks the Commission to respect the freedom to contract with products and services sold across borders both offline and online; requests the Commission to introduce measures that encourage but not oblige enterprises to compete beyond national borders;*

Or. en

**Amendment 41**  
**Christel Schaldemose, Marc Tarabella, Virginie Rozière, Anna Hedh, Liisa Jaakonsaari, Lucy Anderson, Olga Sehnalová**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

**3a.** *Supports the Commission action*

*on anti-cartel enforcement, such as recent actions in retail food and optical disc drive sectors, to guarantee fair prices to consumers;*

Or. en

**Amendment 42**  
**Jan Philipp Albrecht, Julia Reda**

**Draft opinion**  
**Paragraph 3 b (new)**

*Draft opinion*

*Amendment*

*3b. Calls for the strengthening of the freedom of choice for consumers. Considers that enshrined right to data portability in the GDPR is a good approach to strengthening the rights of consumers and competition. Underlines the need to examine how interoperability between digital networks by open standards and interfaces can be ensured;*

Or. en

**Amendment 43**  
**Christel Schaldemose, Marc Tarabella, Liisa Jaakonsaari, Marlene Mizzi, Biljana Borzan, Nicola Danti, Lucy Anderson, Olga Sehnalová**

**Draft opinion**  
**Paragraph 3 b (new)**

*Draft opinion*

*Amendment*

*3b. Considers that ending roaming charges in the EU is not sufficient and that intra-EU calls must be also regulated on the same level as local calls; calls on the Commission to submit a legislative proposal for regulating intra-EU calls;*

Or. en

#### Amendment 44

Mylène Troszczynski, Matteo Salvini

#### Draft opinion

#### Paragraph 4

*Draft opinion*

**4.      *Reiterates the need for the timely and proper implementation of Directive 2014/104/EU on antitrust damages actions, and encourages the Commission in the strongest possible terms to monitor its implementation closely and to pursue this issue with the Member States;***

*Amendment*

***deleted***

Or. fr

#### Amendment 45

Andreas Schwab, Pascal Arimont, Philippe Juvin, Lara Comi, Mihai Țurcanu

#### Draft opinion

#### Paragraph 4

*Draft opinion*

**4.      Reiterates the need for the timely and proper implementation of Directive 2014/104/EU on antitrust damages actions, *and* encourages the Commission in the strongest possible terms to monitor its implementation closely and to pursue this issue with the Member States;**

*Amendment*

**4.      Reiterates the need for the timely and proper implementation of Directive 2014/104/EU on antitrust damages actions; *strongly regrets that the implementation is proceeding slowly and many of the Member States have adopted not even a proposal for implementing legislation; therefore,* encourages the Commission in the strongest possible terms to monitor its implementation closely and to pursue this issue with the Member States; *stresses that access to justice, which may include the availability of collective redress, is essential for the attainment of the objectives of EU competition policy;***

Or. en



**Amendment 46**  
**Maria Grapini**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Reiterates the need for the timely and proper implementation of Directive 2014/104/EU on antitrust damages actions, and encourages the Commission in the strongest possible terms to monitor its implementation closely and to pursue this issue with the Member States;

*Amendment*

4. Reiterates the need for the timely and proper implementation of Directive 2014/104/EU on antitrust damages actions, and encourages the Commission in the strongest possible terms to monitor its implementation closely and to pursue this issue with the Member States ***and to present annual reports concerning specific action taken regarding infringements of antitrust rules;***

Or. ro

**Amendment 47**  
**Notis Marias**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Reiterates the need for the timely and proper implementation of Directive 2014/104/EU on antitrust damages actions, and encourages the Commission in the strongest possible terms to monitor its implementation closely and to pursue this issue with the Member States;

*Amendment*

4. Reiterates the need for the timely and proper implementation of Directive 2014/104/EU on antitrust damages actions ***under national law for infringements of competition rules in the EU Member States***, and encourages the Commission in the strongest possible terms to monitor its implementation closely and to pursue this issue with the Member States;

Or. el

**Amendment 48**  
**Philippe Juvin, Lara Comi**

**Draft opinion**  
**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

**4a.** *Notes that Parliament, in its report on unfair trading practices in the food supply chain, drew the Commission's attention to the difficulty of ensuring fair competition given the dual role of distributors which make their own products; welcomes the Commission's ongoing analysis aimed at determining whether distributors' brands can create anti-competitive advantages on the market, and calls on the Commission to inform Parliament of the results of this inquiry;*

Or. fr

**Amendment 49**  
**Christel Schaldemose, Marc Tarabella, Virginie Rozière, Liisa Jaakonsaari**

**Draft opinion**  
**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

**4a.** *Refers to the European Court of Auditors' most recent report on non-compliance in state aid rules in cohesion policy in which they note a significant level of non-compliance and call for a number of recommendations to be implemented. It is to the detriment of a well-functioning internal market, therefore, urges the Commission to adopt the recommendations and ensure correct enforcement of the EU 65/2014 Regulation which entered into force July 2014;*

Or. en

**Amendment 50**

**Richard Sulík**

**Draft opinion**

**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

***4a. Stresses that many monopolies and cartels, which limit the development of effective competition and discourages investments and the emergence of new market players, exist as a result of state licencing and regulation of particular sectors; asks the Commission to support Member States to time-effective deregulation and privatisation which is the best way to eliminate existing monopolies and cartels on the Single Market;***

Or. en

**Amendment 51**

**Jan Philipp Albrecht, Julia Reda**

**Draft opinion**

**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

***4a. Calls for criteria for market delineation in mergers to be modified so that antitrust authorities can also take into account the merging of data, the impact of network effects and the restrictions on competition on upstream and downstream markets;***

Or. en

**Amendment 52**

**Philippe Juvin, Andreas Schwab, Lara Comi**

**Draft opinion**  
**Paragraph 4 b (new)**

*Draft opinion*

*Amendment*

**4b.** *Notes that, in its resolution on the annual report on competition policy for 2014, the European Parliament called on the Commission to closely monitor alliances between major distributors in Europe, and welcomes the Commission's willingness to discuss the impact of such alliances on producers and consumers within the European Competition Network;*

Or. fr

**Amendment 53**

**Christel Schaldemose, Marc Tarabella, Virginie Rozière, Liisa Jaakonsaari, Anna Hedh, Marlene Mizzi, Nicola Danti, Lucy Anderson, Olga Sehnalová**

**Draft opinion**  
**Paragraph 4 b (new)**

*Draft opinion*

*Amendment*

**4b.** *Encourages the Commission to not only focus its efforts for fair competition on the high profile cases against large well-known companies, reminds the Commission that the enforcement of fair competition is also of importance towards SMEs;*

Or. en

**Amendment 54**

**Jan Philipp Albrecht, Julia Reda**

**Draft opinion**  
**Paragraph 4 b (new)**

*Draft opinion*

*Amendment*

**4b.** *Stresses that as a last resort a*

*possibility of unbundling should be embedded in the antitrust law and enforcement;*

Or. en

**Amendment 55**

**Christel Schaldemose, Marc Tarabella, Virginie Rozière, Liisa Jaakonsaari, Anna Hedh, Marlene Mizzi, Biljana Borzan, Nicola Danti**

**Draft opinion**

**Paragraph 4 c (new)**

*Draft opinion*

*Amendment*

*4c. The emission scandal, which began in the US with Volkswagen, has made it clear that American consumers are better off in case of fraud and abuse of e.g. the competition rules compared to European consumers; Encourages the Commission to look into the possibility of ensuring individual compensation to affected consumers, since this may act as a deterrent to fraud and abuse thereby ensuring a fair Single Market;*

Or. en

**Amendment 56**

**Christel Schaldemose, Marc Tarabella, Virginie Rozière, Liisa Jaakonsaari, Anna Hedh, Nicola Danti, Lucy Anderson, Olga Sehnalová**

**Draft opinion**

**Paragraph 4 d (new)**

*Draft opinion*

*Amendment*

*4d. Reiterates that all market players should pay their fair share of tax; Welcomes the Commission's in-depth investigations into anti-competitive practices such as selective tax advantages or excess profit ruling systems;*

**Amendment 57****Andreas Schwab, Pascal Arimont, Philippe Juvin, Lara Comi, Mihai Țurcanu****Draft opinion****Paragraph 5***Draft opinion*

5. Looks forward to the Commission's proposal on the ECN+, and calls for the full involvement of the European Parliament under the ordinary legislative procedure; considers that effective tools to tackle distortions of competition are crucial for the functioning of the single market, and that it is imperative to ensure that consumers and businesses can rely on the consistent application of EU competition rules throughout the EU.

*Amendment*

5. Looks forward to the Commission's proposal on the ECN+, and calls for the full involvement of the European Parliament under the ordinary legislative procedure; considers that effective tools to tackle distortions of competition are crucial for the functioning of the single market, and that it is imperative to ensure that consumers and businesses can rely on the consistent application of EU competition rules throughout the EU; ***considers that European-wide minimum standards are particularly needed as regards leniency programs, sanctions and the independence of national competition authorities;***

**Amendment 58****Notis Marias****Draft opinion****Paragraph 5***Draft opinion*

5. Looks forward to the Commission's proposal on the ECN+, and calls for the full involvement of the European Parliament under the ordinary legislative procedure; considers that effective tools to tackle distortions of competition are crucial ***for the functioning of the single market,*** and that it is imperative to ensure that

*Amendment*

5. Looks forward to the Commission's proposal on the ECN+, and calls for the full involvement of the European Parliament under the ordinary legislative procedure; considers that effective tools to tackle distortions of competition are crucial ***to underpin the Member State economies,*** and that it is imperative to ensure that

consumers and businesses can rely on the consistent application of EU competition rules throughout the EU.

consumers and businesses can rely on the consistent application of EU competition rules throughout the EU.

Or. en

**Amendment 59**

**Dennis de Jong**

**Draft opinion**

**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

**5a.** *Emphasises the importance of lively city centres and expresses its concern with the number of shops that have recently had to close down; invites the Commission to examine how it intends to apply certain, less restrictive, competition rules in order to make it possible for municipalities, real estate owners, electricity and gas suppliers, as well as retailers to work together in order to revitalise the 'high street'; emphasises in this respect that national, regional and local authorities should be free to introduce restrictions for the establishment of outlet centres, shopping malls etc., outside the city centres, if this is needed for the revitalisation of city centres.*

Or. en

**Amendment 60**

**Andreas Schwab, Pascal Arimont, Philippe Juvin, Lara Comi, Mihai Țurcanu**

**Draft opinion**

**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

**5a.** *Welcomes the current revision of the General Block Exemption Regulation (GBER); recalls that there is legal*

*uncertainty regarding the issue of whether the allocation of public funding to tourism organisations in its current form is in line with EU state aid rules; calls on the Commission to provide an adequate legal state aid basis for the Member States to support tourism as an important economic factor in the internal market; therefore, stresses the need to take up a new GBER exemption.*

Or. en

**Amendment 61**  
**Richard Sulík**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Stresses that tax competition is an important element of competitiveness in the public sector together with other ones such as for example law enforcement, stability of legislative environment and quality of public services; reminds that reduced tax competition would lead to reduced competitiveness in the Single Market; recommends to help improving other elements mentioned above instead.*

Or. en

**Amendment 62**  
**Christel Schaldemose, Marc Tarabella, Virginie Rozière, Liisa Jaakonsaari, Biljana Borzan**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Welcomes the Commission's reflections on the need for more tools to*



*strengthen efforts for fair competition. Refers to the possibility of setting up a travelling unit in the European Commission, which independently of Member States' efforts must be able to investigate suspected breach of competition law and unfair competition.*

Or. en

**Amendment 63**

**Dita Charanzová, Kaja Kallas, Morten Løkkegaard**

**Draft opinion**

**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Calls on the Commission to ensure that the EU public procurement rules are implemented in a timely manner, in particular the deployment of e-procurement and the new provisions encouraging the division of contracts into lots, which is essential to foster innovation and competition and to support SMEs in procurement markets.*

Or. en

**Amendment 64**

**Vicky Ford**

**Draft opinion**

**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Calls on the Commission to avoid creating monopolies or closed value chains through standardisation; believes an appeals process should be introduced to review standards where they may carry a risk of impacting competitiveness.*

**Amendment 65**

**Maria Grapini**

**Draft opinion**

**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

**5a. Reaffirms the need to review the rules regarding market dominance and monopoly declarations so as to ensure fairer internal market competition, thereby promoting SME development;**

Or. ro

**Amendment 66**

**Andreas Schwab, Pascal Arimont, Lara Comi, Mihai Țurcanu, Eva Paunova**

**Draft opinion**

**Paragraph 5 b (new)**

*Draft opinion*

*Amendment*

**5b. Regards competition in the telecommunication sector as crucial to drive innovation and investment in networks, as well as for choice in services for consumers; regards the rapid broadband expansion as key to the completion of the digital single market; welcomes in this context that the Commission will consider the strategic connectivity objectives, as set out in the Telecommunication Package, when applying the Broadband State Aid Guidelines.**

Or. en

**Amendment 67**  
**Dita Charanzová, Kaja Kallas, Morten Løkkegaard**

**Draft opinion**  
**Paragraph 5 b (new)**

*Draft opinion*

*Amendment*

**5b. Believes the Commission should investigate anti-competitive practices by Member States and regional and local authorities towards sharing economy intermediaries; underlines that special attention should be given to excessive regulatory burdens, disproportionate application of existing rules to non-comparable business models, and the legality of outright bans.**

Or. en

**Amendment 68**  
**Dennis de Jong**

**Draft opinion**  
**Paragraph 5 b (new)**

*Draft opinion*

*Amendment*

**5b. Calls on the Commission to examine and correct the situation of independent retailers who are allowed under competition law to work together through their brick-and-mortar shops, but are accused of unfair competition if they provide joint e-commerce offerings.**

Or. en

**Amendment 69**  
**Christel Schaldemose, Marc Tarabella, Liisa Jaakonsaari, Marlene Mizzi**

**Draft opinion**  
**Paragraph 5 b (new)**

*Draft opinion*

*Amendment*

**5b.** *Notes the Commission's increased use of EU pilot instead of resorting to infringement proceedings. Welcomes this approach however reminds the Commission that this should not lead to weaken enforcement of EU legislation or less transparency.*

Or. en

**Amendment 70**  
**Maria Grapini**

**Draft opinion**  
**Paragraph 5 b (new)**

*Draft opinion*

*Amendment*

**5b.** *Points out that competition policy can help to establish a sustainable economic base and to increase the number of high-quality jobs by creating an environment conducive to innovation and investment in the EU.*

Or. ro

**Amendment 71**  
**Richard Sulík**

**Draft opinion**  
**Paragraph 5 b (new)**

*Draft opinion*

*Amendment*

**5b.** *Underlines that EU law should be equally enforced in all Member States.*

Or. en

**Amendment 72**  
**Richard Sulík**

**Draft opinion**  
**Paragraph 5 c (new)**

*Draft opinion*

*Amendment*

***5c. Stresses, that EU should avoid tax harmonisation which would harm the competitiveness of the Single Market and would be contrary to the principle of subsidiarity; Acknowledges that competition among tax systems is one of the crucial elements of the competition within the Single Market, strengthens the Single Market and enables to share and compare the best practices among the European tax systems.***

Or. en

**Amendment 73**  
**Dita Charanzová, Kaja Kallas**

**Draft opinion**  
**Paragraph 5 c (new)**

*Draft opinion*

*Amendment*

***5c. Welcomes the steps taken to date by the Commission to combat Unfair Trading Practices in the food supply chain; reiterates that the way forward is sharing of best practices and voluntary schemes, such as the Supply Chain Initiative, not EU legislation.***

Or. en

**Amendment 74**  
**Dennis de Jong**

**Draft opinion**  
**Paragraph 5 c (new)**

*Draft opinion*

*Amendment*

**5c.** *Invites the Commission to allow in its competition policies for certain forms of co-operation between independent food suppliers, in order to avoid and counter any unfair trading practices on the part of supermarkets.*

Or. en

**Amendment 75**  
**Dennis de Jong**

**Draft opinion**  
**Paragraph 5 d (new)**

*Draft opinion*

*Amendment*

**5d.** *Requests the Commission to explain how it applies the rules on state support in respect of social housing schemes, and, in particular, in regard of the definition of social housing; points in this regard to the differences between rental prices in big cities as opposed to the general level of housing rental prices and asks the Commission to allow for raising the income ceilings in order to qualify for social housing in areas where the general level of rental prices is relatively high.*

Or. en

**Amendment 76**  
**Richard Sulík**

**Draft opinion**  
**Paragraph 5 d (new)**

*Draft opinion*

*Amendment*

**5d.** *Supports competition related recommendations of the European courts*

*of Auditors mentioned in Special Report No 24/2016 titled More efforts needed to raise awareness of and enforce compliance with State aid rules in cohesion policy and recommends the Commission to take them into consideration.*

Or. en

**Amendment 77**  
**Richard Sulík**

**Draft opinion**  
**Paragraph 5 e (new)**

*Draft opinion*

*Amendment*

*5e. Expresses deep concerns about findings of the Court of auditors as to number of State aid errors in the European structural and investment funds; asks the Commission to increase its efforts to eliminate further defects not only by granting more EU state aid related exceptions but also by means of running more profound investigations.*

Or. en