Amendment 1
Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Pursuant to Article 1 of the United Nations Charter, the purposes of the United Nations include the purpose to develop friendly relations among nations based on respect for the principle of equal rights.

Amendment

(3) Pursuant to Article 1 of the United Nations Charter, the purposes of the United Nations include the purpose to develop friendly relations among nations based on respect for the principle of equal rights. Moreover, in accordance with the Declaration On Principles Of International Law Friendly Relations And Co-Operation Among States in accordance with the Charter Of The United Nations, international relations are to be conducted in line with the principles of sovereign equality and non-intervention\(^\text{1a}\).

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\(^{1a}\) UN General Assembly, Declaration on Principles of International Law concerning Friendly Relations and...
Cooperation among States in accordance with the Charter of the United Nations, 24 October 1970, A/RES/2625(XXV)

Amendment 2

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

(4 a) The international law of state responsibility for internationally wrongful acts has been codified by the United Nations’ International Law Commission in 2001\(^1\) and should guide the Union’s action where the Union faces economic coercion from a third country that constitutes an internationally wrongful act. The “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations”\(^2\) states that no State may use or encourage the use of economic political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. Those codified rules of customary international law are binding.


Amendment 3

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) Whilst always acting within the framework of international law, it is essential that the Union possess an appropriate instrument to deter and counteract economic coercion by third countries in order to safeguard its rights and interests and those of its Member States. This is particularly the case where third countries take measures affecting trade or investment that interfere in the legitimate sovereign choices of the Union or a Member State by seeking to prevent or obtain the cessation, modification or adoption of a particular act by the Union or a Member State. Such measures affecting trade or investment may include not only actions taken on, and having effects within, the territory of the third country, but also actions taken by the third country, including through entities controlled or directed by the third country and present in the Union, that cause harm to economic activities in the Union.

Amendment

(6) Whilst always acting within the framework of international law, it is essential that the Union possess an appropriate instrument to deter and counteract economic coercion by third countries in order to safeguard its rights and interests and those of its Member States. This is particularly the case where third countries take, fail to take or threaten to take measures affecting trade or investment that interfere in the legitimate sovereign choices of the Union or a Member State by seeking to prevent or obtain the cessation, modification or adoption of a particular act, including any form of a particular policy choice or a stance with regard to a policy choice such as European Parliament resolutions, by the Union or a Member State. Such measures affecting trade or investment may include not only actions taken, failures to act, or actions threatened or to be taken on, and having effects within, the territory of the third country, but also actions taken or threatened to be taken by the third country, including through entities controlled or directed by the third country and present in the Union, that cause harm to economic activities in the Union, such as, among others, some extraterritorial effects of third country sanctions affecting EU businesses and individuals, and ultimately the sovereignty of the European Union’s choices.

Amendment 4
Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) This Regulation aims to ensure an effective, efficient and swift Union response to economic coercion, including deterrence of economic coercion of the Union or a Member State and, in the last resort, countermeasures.

Amendment

(7) This Regulation aims to ensure an effective, efficient and swift Union response to economic coercion especially the deterrence of economic coercion of the Union or a Member State and, where necessary because other instruments cannot protect the Union interest adequately, countermeasures. This Regulation complements Union law in the field of trade such as Regulation (EU)2021/167 of the European Parliament and of the Council1a.


Amendment 5

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) The objectives of this Regulation, in particular counteracting third countries’ economic coercion of the Union or a Member State, cannot be sufficiently achieved by Member States acting on their own. This is because Member States as distinct actors under international law may not be entitled under international law to respond to economic coercion directed against the Union. Additionally, because of the exclusive competence conferred on the Union by Article 207 of the Treaty on the

Amendment

(8) The objectives of this Regulation, in particular counteracting third countries’ economic coercion of the Union or a Member State, cannot be sufficiently achieved by Member States acting on their own. This is because Member States as distinct actors under international law may not be entitled under international law to respond to economic coercion directed against the Union. Additionally, because of the exclusive competence conferred on the Union by Article 207 of the Treaty on the
Functioning of the European Union, Member States are prevented from taking common commercial policy measures as a response to economic coercion. Therefore, those objectives can be achieved with greater effectiveness at Union level.

Amendment 6

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In accordance with the principle of proportionality, it is necessary and appropriate, for creating an effective and comprehensive framework for Union action against economic coercion, to lay down rules on the examination, determination and counteraction with regard to third countries’ measures of economic coercion. In particular, the Union’s response measures should be preceded by an examination of the facts, a determination of the existence of economic coercion, and, wherever possible, efforts to find a solution in cooperation with the third country concerned. Any measures imposed by the Union should be commensurate with the injury caused by the third countries’ measures of economic coercion. The criteria for defining the Union response measures should take into account in particular the need to avoid or minimise collateral effects, administrative burdens and costs imposed on Union economic operators as well as the Union’s interest. Therefore, this Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) of the Treaty on European Union.

Amendment

(9) In accordance with the principle of proportionality, it is necessary and appropriate, for creating an effective and comprehensive framework for Union action against economic coercion, to lay down rules on the examination, determination and counteraction with regard to third countries’ measures of economic coercion. In particular, the Union’s response measures should be preceded by an examination of the facts, a determination of the existence of economic coercion, and, wherever possible and provided the third country also engages in good faith, efforts to find a solution in cooperation with the third country concerned. Any measures imposed by the Union should be commensurate with the injury caused by the third countries’ measures of economic coercion and should primarily be aimed at obtaining the cessation of the economic coercion and, where appropriate, the reparation for the injury caused. The criteria for defining the Union response measures should take into account in particular the effectiveness of the measures in inducing the cessation of the economic coercion and the potential of the measures to provide relief to the economic operators within the Union.
affected by the economic coercion, including via internal measures such as an ad hoc compensation fund for those economic operators. The need for a precise indication of the next steps to be taken and to avoid or minimise the risks of escalation in international trade relations, collateral effects, disproportionate administrative complexity and costs imposed on Union economic operators as well as the Union’s interest should also be taken into account. Therefore, this Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) of the Treaty on European Union.

Amendment 7

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Any action undertaken by the Union on the basis of this Regulation should comply with the Union’s obligations under international law. International law allows, under certain conditions, such as proportionality and prior notice, the imposition of countermeasures, that is to say of measures that would otherwise be contrary to the international obligations of an injured party vis-à-vis the country responsible for a breach of international law, and that are aimed at obtaining the cessation of the breach or reparation for it. Accordingly, response measures adopted under this Regulation should take the form of either measures adhering to the Union’s international obligations or measures constituting permitted countermeasures. Under international law, and in accordance with the principle of proportionality, they should not exceed a

Amendment

(10) Any action undertaken by the Union on the basis of this Regulation should comply with the Union’s obligations under international law. The Union should continue to support the rules-based multilateral trading system, with the World Trade Organisation (WTO) at its core. International law allows, under certain conditions, such as proportionality and prior notice, the imposition of countermeasures, that is to say of measures that would otherwise be contrary to the international obligations of an injured party vis-à-vis the country responsible for a breach of international law, and that are aimed at obtaining the cessation of the breach or reparation for it. Accordingly, response measures adopted under this Regulation should take the form of either measures adhering to the Union’s international obligations or measures
level that is commensurate with the injury suffered by the Union or a Member State due to the third country’s measures of economic coercion, taking into account the gravity of the third country’s measures and the Union’s rights and interests in question. In this respect, injury to the Union or a Member State is understood under international law to include injury to Union economic operators.


**Amendment 8**

**Proposal for a regulation**

**Recital 11**

*Text proposed by the Commission*

(11) Coercion is prohibited under international law when a country deploys measures such as trade or investment restrictions in order to obtain from another country an action or inaction which that country is not internationally obliged to perform and which falls within its sovereignty, when the coercion reaches a certain qualitative or quantitative threshold, depending on both the ends pursued and the means deployed. The Commission should *examine the third-country action on the basis of* qualitative and quantitative criteria that help in determining whether constituting permitted countermeasures. Under international law, and in accordance with the principle of proportionality, they should *be* commensurate with the injury suffered by the Union or a Member State due to the third country’s measures of economic coercion, taking into account the gravity of the third country’s measures and the Union’s rights and interests in question. In this respect, injury to the Union or a Member State is understood under international law to include injury to Union economic operators.

*Amendment*

(11) Coercion is prohibited under international law when a country deploys measures such as trade or investment restrictions in order to obtain from another country an action or inaction which that country is not internationally obliged to perform and which falls within its sovereignty, when the coercion reaches a certain qualitative or quantitative threshold, depending on both the ends pursued and the means deployed. The Commission should *take into account* qualitative or quantitative criteria that help in determining whether
the third country interferes in the legitimate sovereign choices of the Union or a Member State and whether its action constitutes economic coercion which requires a Union response.

Amendment 9
Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The Commission should examine whether third-country measures are coercive, on its own initiative or following information received from any source, including legal and natural persons or a Member State. Following this examination, the Commission should determine in a decision whether the third-country measure is coercive. The Commission should communicate any affirmative determination to the third country concerned, together with a request that the economic coercion cease and a request, where appropriate, that any injury be repaired.

Amendment

(13) The Commission could and, in particular in the case of a substantiated complaint, should examine whether third-country measures are coercive, on its own initiative or following information received from any source, including legal and natural persons, the European Parliament or a Member State. Following this examination, the Commission should determine in a decision whether the third-country measure is coercive. The Commission should publicly communicate the result of this examination. In the case of an affirmative determination, the Commission should communicate to the third country concerned, together with a request that the economic coercion cease and a request, where appropriate, that any injury be repaired.

Amendment 10
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The Union should support and cooperate with third countries affected by the same or similar measures of economic coercion or other interested third

Amendment

(14) The Union should cooperate with partners affected by the same or similar measures of economic coercion or other interested partners. The Union should
countries. The Union should participate in international coordination in bilateral, plurilateral or multilateral fora that are geared towards the prevention or elimination of the economic coercion.

Amendment 11
Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) The Union should only impose countermeasures when other means such as negotiations, mediation or adjudication do not lead to the prompt and effective cessation of the economic coercion and to reparation of the injury it has caused to the Union or its Member States, and where action is necessary to protect the interests and rights of the Union and its Member States and it is in the Union’s interest. It is appropriate that the Regulation sets out the applicable rules and procedures for the imposition and application of Union response measures and permits expeditious action where necessary to preserve the effectiveness of any Union response measures.

Amendment

(15) The Union is encouraged to use proactively all available means of engagement with the third country concerned such as negotiations, adjudication or mediation and should impose measures in cases where such means do not lead to the prompt and effective cessation of the economic coercion and to reparation of the injury it has caused to the Union or its Member States, and where action is necessary to protect the interests and rights of the Union and its Member States and it is in the Union’s interest. It is appropriate that the Regulation sets out the applicable rules and procedures for the imposition and application of Union response measures and permits expeditious action where necessary to preserve the effectiveness of any Union response measures.

Amendment 12
Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) Union response measures adopted in accordance with this Regulation should be selected and designed on the basis of

Amendment

(16) Union response measures adopted in accordance with this Regulation should be selected and designed on the basis of
objective criteria, including: the effectiveness of the measures in inducing the cessation of coercion by the third country; their potential to provide relief to economic operators within the Union affected by the third-country measures of economic coercion; the aim of avoiding or minimising negative economic and other effects on the Union; and the avoidance of disproportionate administrative complexity and costs. It is also essential that the selection and design of Union response measures take account of the Union’s interest. Union response measures should be selected from a wide array of options in order to allow the adoption of the most suitable measures in any given case.

Amendment 13

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) In pursuing the objective of obtaining the cessation of the measure of economic coercion, Union response measures consisting of restrictions on foreign direct investment or on trade in services should only apply with regard to services supplied, or direct investments made, within the Union by one or more legal persons established in the Union which are owned or controlled by persons of the third country concerned where necessary to ensure the effectiveness of Union response measures and in particular to prevent their avoidance. The decision to impose any such restrictions will be duly justified in

Amendment

(18) In pursuing the objective of obtaining the cessation of the measure of economic coercion and, where appropriate, the reparation of the injury caused, Union response measures consisting of restrictions on foreign direct investment or on trade in services should only apply with regard to services supplied, or direct investments made, within the Union by one or more legal persons established in the Union which are owned or controlled by persons of the third country concerned where necessary to ensure the effectiveness of Union response measures and in particular to prevent their avoidance. The
implementing acts adopted pursuant to this Regulation in the light of the criteria specified in this Regulation.

decision to impose any such restrictions will be duly justified in implementing acts adopted pursuant to this Regulation in the light of the criteria specified in this Regulation.

Amendment 14
Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) It is essential to provide for opportunities for stakeholder involvement for the purposes of adoption and amendment of Union response measures, and as relevant for the purposes of suspension and termination, in view of the potential impact on such stakeholders.

Amendment

(20) It is essential to provide for opportunities for stakeholder involvement, including businesses, for the purposes of adoption and amendment of Union response measures, and as relevant for the purposes of suspension and termination, in view of the potential impact on such stakeholders.

Amendment 15
Proposal for a regulation
Recital 20 a (new)

Text proposed by the Commission

(20a) In light of the evident increase in the use of economic leverages by foreign countries against the Union and the likely increase of the frequency and severity of these practices in the future, the Chief Trade Enforcement officer (CTEO) should be overall responsible for the functioning and the implementation of this Regulation and including with a view to strengthening the preparedness for such instances, assessing Union’s dependencies and assets, adopting the necessary coordinated measures and ultimately being able to react promptly when needed. Such a horizontal
competence would provide necessary support to the Union in order to be able to better anticipate and effectively react to economic coercion.

Amendment 16
Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) It is important to ensure an effective communication and exchange of views and information between the Commission on the one hand and the European Parliament and the Council on the other, in particular on efforts to engage with the third country concerned to explore options with a view to obtaining the cessation of the economic coercion and on matters that may lead to the adoption of Union response measures under this Regulation.

Amendment

(21) It is important to ensure effective and regular dialogue and exchange of views and information between the Commission on the one hand and the European Parliament and the Council on the other, in particular regarding ongoing examinations or third country measures, on efforts to engage with the third country concerned to explore options with a view to obtaining the cessation of the economic coercion or, where appropriate, reparation of the injury caused and on matters that may lead to the adoption of Union response measures under this Regulation, including the stages of examination of third-country measures and determination with regard to measures of economic coercion and on the effectiveness on Union response measures.

Amendment 17
Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) The Commission should evaluate measures adopted under this Regulation as to their effectiveness and operation and as to possible conclusions for future measures. The Commission should also

Amendment

(26) The Commission should evaluate measures adopted under this Regulation as to their effectiveness and operation and as to possible conclusions for future measures. The Commission should also
review this Regulation after gaining sufficient experience with the existence or application of this Regulation. This review should cover the scope, functioning, efficiency and effectiveness of this Regulation. The Commission should report on its assessment to the European Parliament and the Council.

The review of this Regulation should cover the scope, functioning, efficiency and effectiveness of this Regulation. The Commission should report on its assessment to the European Parliament and the Council, and in particular in order to ensure complementarity with the upcoming review of the Blocking Statute. The review of this Regulation should cover the scope, functioning, efficiency and effectiveness of this Regulation. The Commission should report on its assessment to the European Parliament and the Council.

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**Amendment 18**

**Proposal for a regulation**

**Article 1 – paragraph 1**

**Text proposed by the Commission**

1. This Regulation lays down rules and procedures in order to ensure the effective protection of the interests of the Union and its Member States where a third country seeks, through measures affecting trade or investment, to coerce the Union or a Member State into adopting or refraining from adopting a particular act. This Regulation provides a framework for the Union to respond in such situations with the objective to deter, or have the third country desist from such actions, whilst permitting the Union, in the last resort, to counteract such actions.

**Amendment**

1. This Regulation lays down rules and procedures in order to ensure the effective protection of the interests of the Union and its Member States where a third country seeks, through any form of action, failure to act or threat thereof affecting trade or investment, to coerce the Union or a Member State into adopting or refraining from adopting a particular act, including a particular policy choice, legal act or a stance with regard to a policy choice. This Regulation provides a framework for the Union to respond in such situations with the objective of deterring, or obtaining the cessation of such actions and, where appropriate, repairing the injury caused, thereby permitting the Union to counteract
such actions.

Amendment 19
Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

2. Any action taken under this Regulation shall be consistent with the Union’s obligations under international law and conducted in the context of the principles and objectives of the Union’s external action.

Amendment

2. Any action taken under this Regulation shall be consistent with the Union’s obligations under international law.

Amendment 20
Proposal for a regulation
Article 1a (new)

Text proposed by the Commission

Article 1a
Definitions
For the purposes of this Regulation, the following definitions apply:

1. “coercion” means any third-country action or measure interfering in the legitimate sovereign choices of the Union or a Member State by seeking to prevent or obtain the cessation, modification or adoption of a particular act by the Union or a Member State;

2. “third-country action or measure” means any type of action or measure, failure to act or threat thereof that is attributable to a third country;

3. “particular act” means a particular policy choice, legal act or a stance with regard to a policy choice of the Union or a Member State;
4. “failure to act” means failure by a third country to comply with its obligations under legally binding instruments of international law;

5. “threat of coercion” means a substantiated threat of a third country action or measure that is credible, significant, and could be quickly and easily deployed;

6. “economic coercion” means coercion through a third-country action or measure affecting trade or investment;

7. “injury” means negative impact suffered by the Union or a Member State, including Union economic operators;

8. “Union response measure” means any measure adhering to the Union’s international obligations or permitted under international law vis-à-vis the third country responsible for economic coercion, which is commensurate with the injury suffered by the Union or a Member State and aims to obtain the cessation of economic coercion and, where appropriate, the reparation for the injury caused;

9. “Union interest” means first and foremost the need to preserve the policy space of the Union or its Member States to take legitimate sovereign choices in ensuring the social, political, and economic cohesion of the Union, and the upholding of its strategic and economic interests.

Amendment 21

Proposal for a regulation
Article 2 – paragraph 1 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. This Regulation applies where a third</td>
<td>1. This Regulation applies only in the</td>
</tr>
</tbody>
</table>
country:  

*event of economic coercion* where a third country:

Amendment 22

Proposal for a regulation  
Article 2 – paragraph 1 – indent 2

*Text proposed by the Commission*  
— *by applying or threatening* to apply measures affecting trade or investment.  

*Amendment*  
— *applies or threatens* to apply measures affecting trade or investment.

Amendment 23

Proposal for a regulation  
Article 2 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*  
For the purposes of this Regulation, such third-country actions shall be referred to as measures of economic coercion.  

*Amendment*  
deleted

Amendment 24

Proposal for a regulation  
Article 2 – paragraph 2 – introductory part

*Text proposed by the Commission*  
2. In determining whether the conditions set out in paragraph 1 are met, the following shall *be taken* into account:  

*Amendment*  
2. In determining whether the conditions set out in paragraph 1 are met, the Commission shall *take* into account the following:

Amendment 25

Proposal for a regulation  
Article 2 – paragraph 2 – point a
(a) the intensity, severity, frequency, duration, breadth and magnitude of the third country’s measure and the pressure arising from it;

(a) the intensity, severity, frequency, duration, breadth and magnitude of the third country’s measure or failure to act or threat thereof as well as the pressure arising from it; the Commission shall assess whether such measures are part of a broader pattern of behaviour;

Amendment 26

Proposal for a regulation
Article 2 – paragraph 2 – point b

(b) whether the third country is engaging in a pattern of interference seeking to obtain from the Union or from Member States or other countries particular acts;

(b) whether the third country is engaging in a clear pattern of interference seeking to obtain from the Union or from Member States or other countries particular acts;

Amendment 27

Proposal for a regulation
Article 2 – paragraph 2 – point c

(c) the extent to which the third-country measure encroaches upon an area of the Union’s or Member States’ sovereignty;

(c) the extent to which the third-country measure or failure to act or threat thereof encroaches upon an area of the Union’s or Member States’ sovereignty;

Amendment 28

Proposal for a regulation
Article 2 – paragraph 2 – point d

(d) whether the third country is acting

(d) whether the third country is acting
based on a legitimate concern that is internationally recognised;

based on a concern that is recognised as legitimate by international law and conventions;

Amendment 29

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. The Commission may examine any measure of a third country in order to determine whether it meets the conditions set out in Article 2(1). The Commission shall act expeditiously.

Amendment

1. The Commission may or, in the case of a duly substantiated complaint, shall examine any measure of a third country, failure to act or threat thereof in order to determine whether it meets the conditions set out in Article 2(1). The Commission shall act expeditiously.

Amendment 30

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The Commission may carry out the examination referred to in paragraph 1 on its own initiative or following information received from any source. The Commission shall ensure the protection of confidential information in line with Article 12, which may include the identity of the supplier of the information.

Amendment

2. The Commission shall carry out the examination referred to in paragraph 1 based on substantiated information collected on its own initiative or received from any reliable source, notably economic operators or trade unions. The European Parliament and a Member State may also provide such substantiated information to the Commission. The Commission shall ensure the protection of confidential information in line with Article 12, which may include concealing the identity of the supplier of the information. The Commission shall set up publicly available secure tools with a view to facilitating the submission of relevant and substantiated information from
Amendment 31

Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission
The Commission may publish a notice in the Official Journal of the European Union or through other suitable public communication means with an invitation to submit information within a specified time limit. In that event, the Commission shall notify the third country concerned of the initiation of the examination.

Amendment
The Commission shall inform duly, including in the form of an exchange of views, and in a timely manner the European Parliament and the Council of the launch of and of any development in the ongoing examination of third-country measures. The Commission may publish a notice in the Official Journal of the European Union and through other suitable public communication means of the launch of an examination procedure. The notice shall include an invitation to submit information within a specified time limit and an indication of the timeline for the determination referred to in Article 4, which shall not exceed four months. In that event, the Commission shall notify the third country concerned of the initiation of the examination.

Amendment 32

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission
Following an examination carried out in accordance with Article 3, the Commission shall adopt a decision determining whether the measure of the third country concerned meets the conditions set out in Article 2(1). The Commission shall act expeditiously.

Amendment
Following an examination carried out in accordance with Article 3, the Commission shall adopt a decision, determining whether the measure of the third country concerned meets the conditions set out in Article 2(1). Where no notice was published pursuant to Article 3 and in the case of a positive determination, the decision shall include
an indication of the timeline for the adoption of the implementing act referred to in Article 7, which shall not exceed six months. On duly justified imperative grounds in order to avoid irreparable damage to the Union or its Member States the Commission may extend that timeline by up to a further four months. The Commission shall act expeditiously. The Commission shall inform, including in the form of an exchange of views, the European Parliament and the Council about the decision and publish it in the Official Journal of the European Union and through other suitable public communication means.

Amendment 33
Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

Prior to adopting its decision, the Commission may invite the third country concerned to submit its observations.

Amendment

Prior to adopting its decision, the Commission may invite the third country concerned to submit its observations within a reasonable and specified period of time that shall not unduly delay the Commission’s decision.

Amendment 34
Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

Where the Commission decides that the measure of the third country concerned meets the conditions set out in Article 2(1), it shall notify the third country concerned of its decision and request it to cease the economic coercion and, where appropriate,

Amendment

Where the Commission decides that the measure of the third country concerned meets the conditions set out in Article 2(1), it shall notify the third country concerned of its decision and request that third country to cease the economic coercion.
repair the injury suffered by the Union or its Member States.

immediately and, where appropriate, repair the injury suffered by the Union or its Member States within a reasonable and specified period of time.

Amendment 35

Proposal for a regulation
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

The Commission shall be open to engage on behalf of the Union with the third country concerned, to explore options with a view to obtaining the cessation of the economic coercion. Such options may include:

Amendment

Following the notice referred to in Article 4, the Commission shall be open to engage on behalf of the Union with the third country concerned and, provided that the country concerned also engages in good faith, in a proactive manner, to explore options with a view to obtaining the cessation of the economic coercion and, where appropriate, reparation of the injury it has caused to the Union or its Member States. Such options shall not unduly delay the procedure and may include:

Amendment 36

Proposal for a regulation
Article 5 – paragraph 1 – indent 2

Text proposed by the Commission

— mediation, conciliation or good offices to assist the Union and the third country concerned in these efforts;

Amendment

deleted

Amendment 37

Proposal for a regulation
Article 5 – paragraph 1 – indent 3
Text proposed by the Commission

— submitting the matter to international adjudication.

Amendment

— submitting, also in parallel to the other options, the matter to international adjudication.

Amendment 38

Proposal for a regulation
Article 5 – paragraph 1 – indent 3 a (new)

Text proposed by the Commission

- mediation, conciliation or good offices to assist the Union and the third country concerned in those efforts;

Amendment

Amendment 39

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

The Commission shall keep the European Parliament and the Council informed of relevant developments.

Amendment

The Commission shall keep the European Parliament and the Council fully informed, in a regular and timely manner, including in the form of an exchange of views, and shall notify them of any developments in the engagement with the third country concerned.

Amendment 40

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

The Commission shall enter into consultations or cooperation, on behalf of the Union, with any other country affected

Amendment

The Commission shall enter into consultations or cooperation, on behalf of the Union, with any other country and
by the same or similar measures of economic coercion or with any interested third country, with a view to obtaining the cessation of the coercion. This may involve, where appropriate, coordination in relevant international fora and coordination in response to the coercion. 

**Amendment 41**

**Proposal for a regulation**  
**Article 7 – paragraph 1 – subparagraph 1 – introductory part**

**Text proposed by the Commission**

1. The Commission shall adopt an implementing act determining that it shall take a Union response measure where:

**Amendment**

1. The Commission shall take a Union response measure by means of an implementing act from among the measures provided for in Annex I where:

**Amendment 42**

**Proposal for a regulation**  
**Article 7 – paragraph 1 – subparagraph 1 – point a**

**Text proposed by the Commission**

(a) action pursuant to the Articles 4 and 5 has not resulted in the cessation of the economic coercion and reparation of the injury it has caused to the Union or a Member State within a reasonable period

**Amendment**

(a) action pursuant to the Articles 4 and 5 has not resulted in the cessation of the economic coercion and, where appropriate, in the reparation of the injury it has caused to the Union or its Member States within the period of time set in the
of time; \[ \text{decision referred to in Article 4;} \]

**Amendment 43**

**Proposal for a regulation**
**Article 7 – paragraph 1 – subparagraph 1 – point c**

*Text proposed by the Commission*

(c) action is in the Union’s interest.

*Amendment*

(c) action is in the Union’s interest *in the particular case of economic coercion under examination.*

**Amendment 44**

**Proposal for a regulation**
**Article 7 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

In the implementing act, the Commission shall also determine the appropriate Union response *from among the measures provided for in Annex I.* Such measures may also apply with regard to natural or legal persons designated in accordance with Article 8. *The Commission may also adopt measures which it can take pursuant to other legal instruments.*

*Amendment*

In the implementing act referred to in the first subparagraph, the Commission shall *justify that the conditions referred to in points (a), (b) and (c) are met. It shall also determine and justify the appropriate Union response.* Such measures may also apply with regard to natural or legal persons designated in accordance with Article 8.

**Amendment 45**

**Proposal for a regulation**
**Article 7 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

The implementing act shall be adopted in accordance with the examination procedure referred to in Article 15(2).

*Amendment*

The implementing act referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 15(2). *The Commission shall inform, including in the form of an exchange of views, the*
Amendment 46

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 3 a (new)

Text proposed by the Commission

The Commission may also adopt measures that are not listed in Annex I pursuant to other legal instruments. Any such adoption shall be coordinated and consistent with action under this Regulation.

Amendment 47

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. The Union response measures shall apply from a specified date after the adoption of the implementing act referred to in paragraph 1. The Commission shall set this date of application, taking into account the circumstances, to allow for the notification of the third country concerned pursuant to paragraph 3 and for it to cease the economic coercion.

Amendment 48

2. The Union response measures shall apply from a specified date after the adoption of the implementing act referred to in paragraph 1 and in any case within three months from its adoption. The Commission shall set this date of application, taking into account the circumstances, to allow for the notification of the third country concerned pursuant to paragraph 3 and for it to cease the economic coercion and, where appropriate, to repair the injury caused.
Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. The Commission shall, upon adoption of the implementing act, notify the third country concerned of the Union response measures adopted pursuant to paragraph 1. In the notification, the Commission shall, on behalf of the Union, call on the third country concerned to promptly cease the economic coercion, offer to negotiate a solution, and inform the third country concerned that the Union response measure will apply, unless the economic coercion ceases.

Amendment

3. The Commission shall, upon adoption of the implementing act, notify the third country concerned of the Union response measures adopted pursuant to paragraph 1. In the notification, the Commission shall, on behalf of the Union, call on the third country concerned to immediately cease the economic coercion, offer to negotiate a solution including, where appropriate, with regard to the reparation of the injury caused by the third country to the Union or its Members States, and inform the third country concerned that the Union response measure will apply, unless the economic coercion ceases or, where appropriate, that third country repairs the injury caused.

Amendment 49

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. The implementing act referred to in paragraph 1 shall state that the application of the Union response measures shall be deferred for a period specified in that implementing act, where the Commission has credible information that the third country has ceased the economic coercion before the start of application of the adopted Union response measures. In that event, the Commission shall publish a notice in the Official Journal of the European Union indicating that there is such information and the date from which the deferral shall apply. If the third country ceases the economic coercion before the

Amendment

4. The implementing act referred to in paragraph 1 shall state that the application of the Union response measures shall be deferred, but only for a period that is necessary for the Commission to verify the actual cessation of the coercion or threat thereof and that needs to be specified in that implementing act, where the Commission has credible information that the third country has taken concrete steps to cease the economic coercion or the threat thereof or, where appropriate, has repaired the injury caused before the start of application of the adopted Union response measures. In that event, the
Union response measures start to apply, the Commission shall terminate the Union response measures in accordance with Article 10.

Amendment 50

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission

5. Notwithstanding paragraphs 2, 3 and 4, the Union response measures may apply without the Commission, on behalf of the Union, first calling, once more, on the third country concerned to cease the economic coercion or without the Commission first notifying it that Union response measure will apply, where this is necessary for the preservation of the rights and interests of the Union or Member States, notably of the effectiveness of Union response measures.

Amendment

5. The Union response measures may apply without the Commission, on behalf of the Union, first calling again, on the third country concerned to cease the economic coercion or without the Commission first notifying it that Union response measure will apply pursuant to paragraph 3, where this is necessary for the preservation of the rights and interests of the Union or Member States, notably of the effectiveness of Union response measures.

Amendment 51

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission

6. On duly justified imperative grounds of urgency to avoid irreparable damage to the Union or its Member States by the measures of economic coercion the Commission shall adopt immediately

Amendment

6. On duly justified imperative grounds of urgency to avoid irreparable damage to the Union or its Member States by the measures of economic coercion the Commission shall take a Union response
applicable implementing acts imposing Union response measures, in accordance with the procedure referred to in Article 15(3). The requirements set out in paragraphs 2 to 5 shall apply. Those acts shall remain in force for a period not exceeding three months.

Amendment 52

Proposal for a regulation
Article 7 – paragraph 7 – introductory part

Text proposed by the Commission

7. The Commission is empowered to adopt delegated acts in accordance with Article 14 to amend the list provided for in Annex I in order to provide additional types of measures to respond to a third country’s measure. The Commission may adopt such delegated acts where the types of response measures would:

Amendment

7. The Commission is empowered to adopt delegated acts in accordance with Article 14 to amend the list provided for in Annex I in order to provide additional types of measures to respond to a third country’s measure, after having informed the European Parliament and the Council of the delegated acts. The Commission may adopt such delegated acts where the types of response measures would:

Amendment 53

Proposal for a regulation
Article 9 – paragraph 1
1. Any Union response measure shall **not exceed the level that is commensurate with** the injury suffered by the Union or a Member State due to the third country’s measures of economic coercion, **taking into account the gravity of the third country’s measures and the rights in question.**

**Amendment**

1. Any Union response measure shall **be commensurate to the level to** the injury suffered by the Union or a Member State due to the third country’s measures of economic coercion, **economic impact that those measures are having on the Union or a Member State and shall be effective in preserving the Union and its Member States’ rights in making legitimate sovereign choices with regard to particular acts, policies or stances.**

**Amendment 54**

Proposal for a regulation
Article 9 – paragraph 2 – introductory part

1. **Text proposed by the Commission**

2. The Commission shall select and design an appropriate response measure taking into account the determination made pursuant to Article 4, the criteria set out in Article 2(2) and the Union’s interest, on the basis of available information, including as collected pursuant to Article 11, and the following criteria:

**Amendment**

2. The Commission shall select and design an appropriate response measure taking into account the determination made pursuant to Article 4, the criteria set out in Article 2, on the basis of available information, including as collected pursuant to Article 11, and the following criteria:

**Amendment 55**

Proposal for a regulation
Article 9 – paragraph 2 – point a

1. **Text proposed by the Commission**

(a) the effectiveness of the measures in inducing the cessation of the economic coercion;

**Amendment**

(a) the effectiveness of the measures in inducing the cessation of the economic coercion and, where appropriate, reparation of the injury caused to the Union and its Member States;
Amendment 56

Proposal for a regulation
Article 9 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

3. The Commission may decide to apply Union response measures under Articles 7 or 8 consisting of restrictions on foreign direct investment or on trade in services also with regard to services supplied, or direct investments made, within the Union by one or more legal persons established in the Union and owned or controlled by persons of the third country concerned where necessary to achieve the objectives of this Regulation. The Commission may decide on such application where Union response measures not covering such situations would be insufficient to effectively achieve the objectives of this Regulation, in particular where such measures could be avoided. In assessing whether to adopt such a decision the Commission shall consider, in addition to the criteria in paragraphs 1 and 2, amongst other things:

Amendment

3. The Commission may decide to apply Union response measures under Articles 7 or 8 consisting of restrictions on foreign direct investment or on trade in services also with regard to services supplied, or direct investments made, within the Union by one or more legal persons established in the Union and owned or controlled by persons of the third country concerned where necessary to achieve the objectives of this Regulation. The Commission may decide on such application where Union response measures not covering such situations would be insufficient to effectively achieve the objectives of this Regulation, in particular where the effect of such measures could be avoided or circumvented. In assessing whether to adopt such a decision the Commission shall consider, in addition to the criteria in paragraphs 1 and 2, amongst other things:

Amendment 57

Proposal for a regulation
Article 9 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

(b) the effective contribution of such intra-Union restrictions to the objective of obtaining the cessation of the measure of economic coercion;

Amendment

(b) the possible effective contribution of such intra-Union restrictions to the objective of obtaining the cessation of the measure of economic coercion;

Amendment 58
### Proposal for a regulation

**Article 9 – paragraph 3 – subparagraph 2 a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Commission shall inform the European Parliament and the Council about the criteria for selecting and designing the Union response measures.</td>
<td></td>
</tr>
</tbody>
</table>

**Amendment 59**

### Proposal for a regulation

**Article 10 – paragraph 1**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The Commission shall keep under review the measures of economic coercion deployed by a third country that have triggered the Union response measures, the effectiveness of the Union response measures adopted and their effects on the Union’s interests and shall keep the European Parliament and the Council informed thereof.</td>
<td>1. The Commission shall keep under review the measures of economic coercion deployed by a third country that have triggered the Union response measures, the effectiveness of the Union response measures adopted and their effects on the Union’s interests and shall keep the European Parliament and the Council regularly informed thereof.</td>
</tr>
</tbody>
</table>

**Amendment 60**

### Proposal for a regulation

**Article 10 – paragraph 2**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Where the third country concerned suspends the economic coercion, or where it is necessary in the Union’s interest, the Commission may suspend the application of the respective Union response measure for the duration of the third country’s suspension, or as long as necessary in light of the Union’s interest. The Commission shall suspend the Union response measures if the third country concerned has offered,</td>
<td>2. Where the third country concerned entirely suspends the economic coercion, the Commission shall suspend the application of the respective Union response measure for the duration of the third country’s suspension or, where it is necessary in the Union’s interest, the Commission may suspend the application of Unions response measures for as long as necessary. The Commission shall</td>
</tr>
</tbody>
</table>
and the Union has concluded, an agreement to submit the matter to binding international third-party adjudication and the third country is also suspending its measures of economic coercion. The Commission shall, by means of an implementing act, decide to suspend the Union response measure. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

suspend the Union response measures if the third country concerned has offered, and the Union has concluded, an agreement to submit the matter to binding international third-party adjudication as referred to in Article 5 and if the third country has also discontinued its measures of economic coercion and commits to support and abide by the third-party adjudication. The Commission shall, by means of an implementing act, decide to suspend the Union response measure. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

Amendment 61

Proposal for a regulation
Article 10 – paragraph 3

_text proposed by the Commission_

3. Where it is necessary to make adjustments to Union response measures taking into account the conditions and criteria laid down in Articles 2 and 9(2), or further developments, including the third country’s reaction, the Commission may, as appropriate, amend Union response measures adopted in accordance with Article 7, by means of an implementing act, in accordance with the examination procedure referred to in Article 15(2).

_text proposed by the Commission_

3. Where it is necessary to make adjustments to Union response measures taking into account the conditions and criteria laid down in Articles 2 and 9(2), or further developments, including the third country’s reaction, the Commission shall, as appropriate, swiftly amend Union response measures adopted in accordance with Article 7, by means of an implementing act, in accordance with the examination procedure referred to in Article 15(2).

Amendment 62

Proposal for a regulation
Article 10 – paragraph 4 – subparagraph 1 – point a

_text proposed by the Commission_

(a) where the economic coercion has

_text proposed by the Commission_

(a) where the economic coercion has
ceased; ceased and the injury caused has been repaired;

Amendment 63
Proposal for a regulation
Article 10 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

(c) where a binding decision in international third-party adjudication in a dispute between the third country concerned and the Union or a Member State requires the withdrawal of the Union response measure;

Amendment

(c) where a binding decision in international third-party adjudication in a dispute between the third country concerned and the Union or a Member State requires the withdrawal of the Union response measure provided that the third country has taken concrete steps to implement the decision; or

Amendment 64
Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission

5. On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts suspending, amending or terminating Union response measures adopted in accordance with Article 7. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 15(3) and they shall remain in force for a period not exceeding two months.

Amendment

5. On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts suspending or amending Union response measures adopted in accordance with Article 7. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 15(3) and they shall remain in force for a period not exceeding two months, after which an implementing act referred to in paragraphs 2, 3 or 4 may be adopted as appropriate. The Commission shall keep the European Parliament informed without delay about the decision and its justification.
Amendment 65

Proposal for a regulation
Article 11 – paragraph 1

*Text proposed by the Commission*

1. Before the adoption of Union response measures or the amendment of such measures, the Commission shall, and before the suspension or termination of such measures, respectively, the Commission may, seek information and views regarding the economic impact on Union operators and Union's interest, through a notice published in the Official Journal of the European Union or through other suitable public communication means. The notice shall indicate the period within which the input is to be submitted.

*Amendment*

1. Before the adoption of Union response measures or the amendment of such measures, the Commission shall, and before the suspension or termination of such measures, respectively, the Commission may, seek information and views regarding the economic impact on Union operators as necessary, through a notice published in the Official Journal of the European Union or through other suitable public communication means. The notice shall indicate the period within which the input is to be submitted.

Amendment 66

Proposal for a regulation
Article 11 – paragraph 3

*Text proposed by the Commission*

3. In conducting the information gathering under paragraph 1, the Commission shall inform and consult stakeholders, in particular industry associations, affected by possible Union response measures, and Member States involved in the preparation or implementation of legislation regulating the affected fields.

*Amendment*

3. In conducting the information gathering under paragraph 1, the Commission shall inform and consult stakeholders, in particular industry associations and Union social partners, affected by possible Union response measures, and Member States involved in the preparation or implementation of legislation regulating the affected fields.

Amendment 67

Proposal for a regulation
Article 11 – paragraph 4 – point b
Text proposed by the Commission

(b) the interaction of such measures with relevant Member State legislation;

(b) the interaction of such measures with relevant Union and Member State legislation;

Amendment 68

Proposal for a regulation
Article 11 – paragraph 4 – point d

Text proposed by the Commission

(d) the Union’s interest.

(d) the effect of such measures on diminishing the negative impact of the third country’s coercive measures.

Amendment 69

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

5. The Commission shall take utmost account of the information gathered during the information gathering exercise. An analysis of the envisaged measures shall accompany the draft implementing act when submitted to the committee in the context of the examination procedure referred to in Article 15(2).

Amendment 70

Proposal for a regulation
Article 11 – paragraph 6

5. The Commission shall take utmost account of the information gathered during the information gathering exercise. An analysis of the envisaged measures and their potential impacts shall accompany the draft implementing act when submitted to the committee in the context of the examination procedure referred to in Article 15(2). The Commission shall inform the European Parliament of such analysis in accordance with Article 10 of Regulation (EU) No 182/2011.

EN
6. Prior to the adoption of an implementing act in accordance with Article 7(6) or Article 10(5), the Commission shall seek information and views from relevant stakeholders in a targeted manner, unless the imperative grounds of urgency are such that information seeking and consultations are not possible or not needed for objective reasons, for instance to ensure compliance with international obligations of the Union.

Amendment 71

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Article 11a

The Chief Trade Enforcement Officer

The Chief Trade Enforcement Officer (CTEO) shall be responsible for the implementation of this Regulation and its coordination with other tools related to anti-coercion such as the Blocking Statute \(^a\). For the purposes of this Regulation, the CTEO shall:

(a) gather information and provide cost and data analyses with a view to determining the nature of economic coercion measures;

(b) act, in full compliance with the principle of confidentiality, as the main contact point for EU businesses and private sector stakeholders affected by economic coercion measures, including with regard to assistance to be provided in

Amendment
the context of ongoing economic coercion;


Amendment 72

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. Information received pursuant to this Regulation shall be used only for the purpose for which it was requested.

Amendment

1. Information received pursuant to this Regulation shall be used only for the purpose for which it was supplied, requested, or obtained.

Amendment 73

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. The supplier of information may request that information supplied be treated as confidential. In such cases, it shall be accompanied by a non-confidential summary or a statement of the reasons why the information cannot be summarised. The Commission, the Council, the European Parliament, Member States or their officials shall not reveal any information of a confidential nature received pursuant to this Regulation, without specific permission from the supplier of such information.

Amendment

2. The supplier of information may request that information supplied be treated as confidential. In such cases, it shall be accompanied by a non-confidential but meaningful summary or a statement of the reasons why the information cannot be summarised. The Commission, the Council, the European Parliament, Member States or their officials are prohibited from revealing any information of a confidential nature received pursuant to this Regulation, without specific permission from the supplier of such information.
Amendment 74

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. Paragraph 2 shall not preclude the Commission to disclose general information in a summary form, which does not contain information allowing to identify the supplier of the information. Such disclosure shall take into account the legitimate interest of the parties concerned in not having confidential information disclosed.

Amendment

3. Paragraph 2 shall not preclude the Commission to disclose general information in a summary but meaningful form, which does not contain information allowing to identify the supplier of the information. Such disclosure shall take into account the legitimate interest of the parties concerned in not having confidential information disclosed.

Amendment 75

Proposal for a regulation
Article 16 – title

Text proposed by the Commission

Review

Amendment

Reporting and Review

Amendment 76

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. The Commission shall evaluate any Union response measure adopted pursuant to Article 7 six months after its termination, taking into account stakeholder input and any other relevant information. The evaluation report shall examine the effectiveness and operation of the Union response measure, and draw possible conclusions for future measures.

Amendment

1. The Commission shall evaluate any Union response measure adopted pursuant to Article 7 six months after its termination, taking into account stakeholder input, and information provided by the European Parliament and the Council, and any other relevant information. The Commission shall publish every year an evaluation report in
which it examines the effectiveness and operation of the Union response measure, and draw possible conclusions for future measures. *The Commission shall present such report to the European Parliament and the Council.*

Amendment 77

Proposal for a regulation
Article 16 – paragraph 2

*Text proposed by the Commission*

2. No later than three years after the adoption of the first implementing act under this Regulation or six years after the entry into force of this Regulation, whichever is earlier, the Commission shall review this Regulation and its implementation and shall report to the European Parliament and the Council.

*Amendment*

2. No later than three years after the entry into force of this Regulation, and at the latest every four years thereafter, the Commission shall review this Regulation and its implementation, in particular, in ensuring complementarity with the review of the Blocking Statute and shall report to the European Parliament and the Council notably in the relevant reporting of the Chief Trade Enforcement Officer.