



EUROPEAN PARLIAMENT

2014 - 2019

Committee on the Internal Market and Consumer Protection

2014/2158(INI)

23.1.2015

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Economic and Monetary Affairs

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

Rapporteur: Kaja Kallas

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SUGGESTIONS

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

1. Stresses that tackling the fragmentation of the digital single market, including by investigating the nature of existing barriers to key sectors of that market, guaranteeing an open internet and enshrining net neutrality in EU law, so as to ensure that all internet traffic is treated equally, without discrimination, restriction or interference, are essential to foster competition and to boost growth and competitiveness and consumer trust in the digital sector; is of the opinion that open standards and interoperability contribute to fair competition; highlights the need for competition policy to be future-proof and take into account new ways of selling online;
2. Stresses that efforts to foster free and fair competition, including through the development of the digital single market, as well as other aspects of the services sector, should work in the interests of consumers and SMEs; reiterates that such efforts will enhance choice for consumers and develop an environment in which SMEs and micro-enterprises can display greater innovation and creativity; believes that swift action by regulators and enforcement authorities against misleading and unfair practices is essential in the implementation of competition policy;
3. Notes that the online search engine and advertising markets are of particular importance in ensuring competitive conditions within the digital single market; calls on the Commission, therefore, to fully enforce the competition rules and to address competition concerns on these markets, taking into account the entire structure of the digital single market and using all tools at its disposal to improve the competitive situation, so as to find remedies that benefit all parties; believes that abusive dominant positions created by the so-called 'first mover' advantages and network effects in the digital sector, in particular in new digital peer-to-peer services, should be more closely monitored;
4. Emphasises in this respect that fair competition does not only mean that there should be no abuse of market power, but also that there should be a sufficient number of market players and that markets should remain open for new entrants; calls, therefore, on the Commission to investigate the nature of existing entry barriers to key sectors of the digital single market;
5. Strongly welcomes the commitments made by Commissioner Vestager in her hearing before Parliament, especially as regards closer collaboration with Parliament; welcomes her comment that protecting against distortions of competition and abuses of dominant position in the digital economy is ultimately for the benefit of consumers; respects the independence of the Commission's antitrust procedures and decisions, including in relation to complaints; emphasises the need for more transparency from the authorities in charge of implementing competition and data protection rules;
6. Considers that Union competition policy should not be detrimental to other policies; calls on the Union and the Member States to promote the development of European global

leaders in growth-generating areas such as the digital sector;

7. Calls on the Member States to implement the new EU public procurement rules in a timely manner, including the provisions on criteria linked to the subject-matter of the contract, including social, environmental and innovative characteristics, and on e-administration, e-procurement and division into lots, in order to boost fair competition and ensure best value for money for public authorities; urges the Commission to ensure their application to the fullest possible extent in order to tackle distortions of competition caused by bid rigging, abuses of dominant position, discrimination and lack of access for SMEs; calls on the Commission to set its action within a global framework by linking the Union's competition policy within Europe to advocacy for the opening of public procurement markets outside the EU;
8. Stresses the importance of detailed and clear guidance to businesses, particularly SMEs, and public authorities from the Commission to facilitate their understanding of the recently adopted public procurement legislation and, particularly, the new flexibilities it offers;
9. Calls on the Commission to carefully monitor the centralisation of purchases in public procurement markets in order to avoid excessive concentration of purchasing power and collusion, and to preserve market access opportunities for SMEs in accordance with the Small Business Act for Europe;
10. Calls on the Commission, when conducting public procurement procedures through its Directorates-General and agencies, to award more low-value contracts and contracts above EUR 193 000, rather than almost exclusively using framework contracts, which constitute a barrier to opening the public procurement market to European SMEs as they only benefit large companies and consortia located close to the decision-making centres;
11. Welcomes the adoption of the Directive on antitrust damages actions, which will give victims of infringements of EU antitrust law access to compensation; believes that timely and adequate implementation of this Directive is essential in order to evaluate its intended positive effect on increasing access to legal action for SMEs and individual consumers; stresses that access to justice in this field, including where necessary the availability of a collective approach to redress, is essential to achieving the aims of EU competition policy; calls on the Commission to monitor closely the implementation of the Directive by the Member States, and to ensure that its provisions are applied evenly throughout the EU;
12. Notes the continuing lack of clarity in many Member States over whether funding for European Consumer Centres is regarded as illegal state aid; is concerned that funding for such centres is being jeopardised as a result; calls on the Commission to inform the Member States as soon as possible about the need to provide notification of such funding in order to guarantee the continued support operations of the European Consumer Centres;
13. Welcomes the White Paper entitled 'Towards more effective merger control', aimed at improving and simplifying procedures; considers that effective tools to tackle distortions of competition are crucial for the functioning of the single market, and ultimately benefit consumers; believes that, whereas the acquisition of non-controlling minority shareholdings might in some cases be harmful to competition, the right balance should be

found between tackling distortions of competition and creating undue burdens for businesses;

14. Considers that the lack of competition in network industries requires a more coordinated approach between political and regulatory action, antitrust enforcement, and public and private sector infrastructure investment; welcomes the Commission's plan to address the existing challenges in the energy market; emphasises, in this context, the importance of fair competition and of implementing competition rules, as contributing to sustainability, competitiveness and security of supply;
15. Welcomes the CJEU ruling of 11 September 2014 on anti-competitive credit card fees, as well as the successful actions undertaken by the Commission to ensure that standardisation processes in the payments sector do not affect market entry and innovation; reiterates Parliament's position that card payment fee caps should be introduced in order to reduce unnecessary costs for consumers; in this context, asks the Commission to accelerate the process of mapping standardisation work for mobile payments, while ensuring that any action taken does not exclude new entrants or favour dominant players, and that the regulatory framework is technologically neutral in order to facilitate future technological developments;
16. Emphasises the single market dimension of competition policy under the Treaty and the importance of consumer protection in shaping competition policy; calls on this Commission to continue the structured dialogue which its predecessor began with Parliament;
17. Reiterates that a competitive single market is needed to boost growth and create quality jobs in Europe; stresses that competition policy is a key area in which Europe can further deliver for its citizens by making the single market more efficient;
18. Highlights the fact that competition policy plays a key role in reinforcing the holistic approach to the single market to address Europe's economic, social and environmental challenges; calls on the Commission effectively to respect citizens', consumers' and SMEs' needs by placing their concerns at the centre of the decision-making process so that the competition policies proposed can provide added value for European citizens;
19. Welcomes the initiative of the Commission against international car rental companies to end practices preventing consumers from accessing best available prices on the basis of their country of residence; stresses that consumers should not be prevented from making use of the best available rate when purchasing goods or services within the single market.

RESULT OF FINAL VOTE IN COMMITTEE

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