



2021/2185(INI)

13.1.2022

AMENDMENTS

1 - 87

Draft opinion

Andrea Caroppo

(PE700.476v01-00)

Competition policy - annual report 2021

(2021/2185(INI))

Amendment 1

Marc Angel, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Biljana Borzan, Christel Schaldemose, Adriana Maldonado López, Brando Benifei

Draft opinion

Paragraph 1

Draft opinion

1. Recalls that competition policy is vital to strengthening and ultimately completing the single market in that it provides a fair and level playing field for all market participants, enables the growth of innovative businesses and guarantees a high level of consumer protection *and* choice;

Amendment

1. Recalls that competition policy is vital to strengthening and ultimately completing the single market in that it provides a fair and level playing field for all market participants - *with special attention to micro-, small- and medium-sized enterprises (SMEs) -, prevents the distortion of competition*, enables the growth of innovative businesses and guarantees a high level of consumer protection *lower prices, better quality and more choice between suppliers and products*;

Or. en

Amendment 2

Kim Van Sparrentak

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 1

Draft opinion

1. Recalls that competition policy is vital to strengthening and *ultimately completing* the single market in that it provides a fair and level playing field for all market participants, enables the growth of innovative businesses and guarantees a high level of consumer protection and choice;

Amendment

1. Recalls that competition policy is vital to strengthening and *proper functioning of* the single market in that it provides a fair and level playing field for all market participants, *especially for small and medium-sized enterprises*, enables the growth of innovative businesses and guarantees a high level of consumer protection and choice *by increasing variety of goods and services available, not only in terms of lowest price but also in terms of quality features*;

Amendment 3
Eugen Jurzyca

Draft opinion
Paragraph 1

Draft opinion

1. Recalls that competition policy is vital to strengthening and ultimately completing the single market in that it provides a fair and level playing field for all market participants, enables the growth of innovative businesses and guarantees a high level of consumer protection and choice;

Amendment

1. Recalls that competition policy is vital to strengthening and ultimately completing the single market in that it provides a fair and level playing field for all market participants, enables the growth of innovative businesses and guarantees a high level of consumer protection and choice; ***stresses that consumer welfare must remain the ultimate goal of the competition policy;***

Or. en

Amendment 4
Kim Van Sparrentak
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1 a. Recalls that consumer welfare is and remains an essential aspect of competition policy; underlines in this perspective that consumers' interests go beyond low prices only and include other aspects such as quality, sustainability, environmental protection, innovation, ethics, fair-trade aspects and long-term societal impacts; adds that a focus on lowest-possible consumer prices only ignores the negative externalities associated with certain types of production;

Amendment 5
Eugen Jurzyca

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1 a. Welcomes the 2021OECD Recommendations on competitive neutrality, which are conceived to avoid undue regulatory and financial advantages granted to specific enterprises, be they private or state-owned, therefore ensuring competitive neutrality; calls on the Commission to maintain competitive neutrality in the regulatory environment of the internal market;

Or. en

Amendment 6
Marc Angel, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Biljana Borzan, Christel Schaldemose, Adriana Maldonado López, Brando Benifei

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1 a. Underlines that competition rules and sustainability policies work together and welcomes the Commission's approach according to which state aid, antitrust enforcement as well as merger control must contribute to the green transition and to the European Green Deal objectives;

Or. en

Amendment 7

Kim Van Sparrentak
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1 b. Stresses that EU competition rules shall contribute to the Union's objectives as defined in Article 3 of the Treaty on European Union; considers that competition rules should not hamper, but promote sustainability goals, including through sustainability agreements, if they benefit consumers;

Or. en

Amendment 8
Eugen Jurzyca

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1 b. [subtitle to be inserted before para 2]
Improving competition in the services sector

Or. en

Amendment 9
Kim Van Sparrentak
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. Recalls that services represent the largest economic activity in the EU in terms of gross added value **and that the**

2. Recalls that services represent the largest economic activity in the EU in terms of gross added value ; highlights the

single market for services lags well behind the single market for goods; highlights the need to address the remaining obstacles to the development of the single market for services, including through the enforcement of competition rules;

need to address the remaining *unjustified, disproportionate and discriminatory* obstacles to the development of the single market for services, including through the enforcement of competition rules; *underlines that services of general economic interest may be subject to specific rules to protect citizens' access to basic public services; takes note of the ongoing assessment by the Commission of those rules for healthcare and social services*;

Or. en

Amendment 10 **Eugen Jurzyca**

Draft opinion **Paragraph 2**

Draft opinion

2. Recalls that services represent the largest economic activity in the EU in terms of gross added value and that the single market for services lags well behind the single market for goods; highlights the need to address the remaining obstacles to the development of the single market for services, including through the enforcement of competition rules;

Amendment

2. Recalls that services, *which account for 70% of the GDP and an equal share of its employment*, represent the largest economic activity in the EU in terms of gross added value and that the single market for services lags well behind the single market for goods; highlights the need to address the remaining obstacles to the development of the single market for services, including through the enforcement of competition rules;

Or. en

Amendment 11 **Marc Angel, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Biljana Borzan, Christel Schaldemose, Adriana Maldonado López, Brando Benifei**

Draft opinion **Paragraph 2**

Draft opinion

Amendment

2. Recalls that services represent the largest economic activity in the EU in terms of gross added value and that the single market for services lags well behind the single market for goods; highlights the need to address the remaining **obstacles** to the development of the single market for services, including through the enforcement of competition rules;

2. Recalls that services represent the largest economic activity in the EU in terms of gross added value and that the single market for services lags well behind the single market for goods; highlights the need to address the remaining **unjustified barriers** to the development of the single market for services, including through the enforcement of competition rules;

Or. en

Amendment 12

Kim Van Sparrentak

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 2 a (new)

Draft opinion

Amendment

2 a. Urges the Commission to take the general public interests of affordable housing and sustainable urban development into account in the revision of rules on services of general economic interest (SGEI) and State Aid, so as to allow national, regional and local authorities to support housing for all groups, whose needs for decent and affordable housing cannot be easily met under market conditions; recalls that Parliament called on the Commission to adapt the target group definition of social housing in its Resolution of 21 January 2021 on Access to decent and affordable housing for all (2019/2187(INI)); highlights that house prices have seen an annual increase of 6.8 % in the euro area and 7.3 % in the EU in the second quarter of 2021, at a time when many households have seen their income decrease;

Or. en

Amendment 13

Marc Angel, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Biljana Borzan, Brando Benifei

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2 a. Reiterates its call on the Commission to come forth with adequate measures to eliminate Territorial Supply Constraints (TSCs) in view of a fully functioning single market, as TSCs are clearly hampering the development of the single market and its potential benefit to consumers; repeats that TSCs can materialise through different practices such as: refusing to supply, threatening to stop supplying a particular distributor, limiting the quantities available for sale, unexplained differentiation of product ranges and prices between EU Member States or limiting language options for the product packaging;

Or. en

Amendment 14
Eugen Jurzyca

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2 a. Welcomes the new WTO agreement to cut red tape in services trade, so-called Joint Initiative on Services Domestic Regulation, which aims to simplify unnecessarily complicated regulations; calls on the Commission to monitor the progress and results achieved by the agreement;

Or. en

Amendment 15
Arba Kokalari

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2 a. Underlines the important role of the services sector in the transition to a circular economy and in the implementation of the European Green Deal;

Or. en

Amendment 16
Eugen Jurzyca

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2 b. Calls on the Commission and Member States to effectively target the unnecessary restrictions and to diminish national protectionism in the services sector, as effective regulation is beneficial for both consumers and professionals and increases the positive impact on the productivity and competitiveness of the EU economy;

Or. en

Amendment 17
Marc Angel, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Biljana Borzan, Brando Benifei

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2 b. Recalls its previous call on the

Commission to monitor and remove unjustified geo-blocking and other barriers on cross-border online sales that persist as identified in the first short-term review of the Geo-blocking Regulation^{1a};

^{1a} Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market (OJ L 60I , 2.3.2018, p. 1)

Or. en

**Amendment 18
Eugen Jurzyca**

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

Draft opinion

Amendment

2 c. Welcomes the Commission's effort to improve the enforcement of the single market rules of the Directive on a proportionality test for regulated professions^{1a} by initiating the infringement procedures; calls on the Member States to properly implement the proportionality test when imposing national rules; stresses that the lack of proper implementation of the EU rules on proportionality test could ultimately disadvantage consumers in the form of excessive prices, undermine the development of innovative services or even lead to lower access to services;

^{1a} Directive (EU) 2018/958 of the European Parliament and of the Council of 28 June 2018 on a proportionality test before adoption of new regulation of professions (OJ L 173, 9.7.2018, p. 25).

Amendment 19
Eugen Jurzyca

Draft opinion
Paragraph 2 d (new)

Draft opinion

Amendment

2 d. Reminds that results of empirical analyses have shown that restrictions on the services sector have a negative impact on trade^{1a}, and there does not seem to be a clear positive correlation between service regulation and service quality^{1b};

^{1a} 287 Nordås, H., and Rouzet, D., 2017, *The Impact of Services Trade Restrictiveness on Trade Flows, The World Economy* 40:6, pp. 1155-1183.

^{1b} European Commission, 2018, *Effects of Regulation on Service Quality – Evidence from six European cases.*

Or. en

Amendment 20
Eugen Jurzyca

Draft opinion
Paragraph 2 e (new)

Draft opinion

Amendment

2 e. Reminds that 71% of businesses considered different national services rules to be a significant or very significant obstacle to the single market according to Eurochambers 2019 survey;

Or. en

Amendment 21
Eugen Jurzyca

Draft opinion
Paragraph 2 f (new)

Draft opinion

Amendment

2 f. Stresses that a fragmented services market hampers productivity growth in services; expresses regret over the period after the 2008-2009 crisis known as a ‘lost decade’ with respect to the EU’s productivity growth in services; recalls that since 2008, the EU’s productivity in services has grown much less than that of the US and is now half that of the US level; points out that the ‘lost decade’ has thereby fully eroded the catching up achieved before the crisis, according to the Copenhagen Economics study;

Or. en

Amendment 22
Eugen Jurzyca

Draft opinion
Paragraph 2 g (new)

Draft opinion

Amendment

**2 g. [subtitle to be inserted before para 3]
Competition rules in digital markets**

Or. en

Amendment 23
Eugen Jurzyca

Draft opinion
Paragraph 3

Draft opinion

Amendment

3. Recalls that ensuring the efficient regulation of digital markets constitutes a core responsibility of the Committee on the Internal Market and Consumer Protection (IMCO); highlights, in this context, the adoption of IMCO's report on the Digital Markets Act (DMA) and notes that ex ante regulatory intervention aims to address the gaps in ex post competition law enforcement;

3. Recalls that ensuring the efficient regulation of digital markets constitutes a core responsibility of the Committee on the Internal Market and Consumer Protection (IMCO); highlights, in this context, the adoption of IMCO's report on the Digital Markets Act (DMA) and notes that ex ante regulatory intervention aims to address the gaps in ex post competition law enforcement; ***believes that an evidence-based assessment should be used to identify firms with dominant market power and that the proportionate and targeted regime towards those companies and activities where the risk of harm is greatest would be a more effective and future-proof approach;***

Or. en

Amendment 24

Marc Angel, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Biljana Borzan, Christel Schaldemose, Adriana Maldonado López, Brando Benifei

Draft opinion Paragraph 3

Draft opinion

3. Recalls that ensuring the efficient regulation of digital markets constitutes a core responsibility of the Committee on the Internal Market and Consumer Protection (IMCO); highlights, in this context, the adoption of IMCO's report on the Digital Markets Act (DMA) and notes that ex ante regulatory intervention aims to address the gaps in ex post competition law enforcement;

Amendment

3. Recalls that ensuring the efficient regulation of digital markets constitutes a core responsibility of the Committee on the Internal Market and Consumer Protection (IMCO); highlights, in this context, the adoption of IMCO's report on the Digital Markets Act (DMA) and notes that ex ante regulatory intervention aims to address the gaps in ex post competition law enforcement; ***highlights that competition policy rules are also tools for reaching a high level consumer protection, therefore consumer rights must be preserved and if possible strengthened both online and offline;***

Or. en

Amendment 25

Marc Angel, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Biljana Borzan, Christel Schaldemose, Adriana Maldonado López, Brando Benifei

Draft opinion

Paragraph 3 a (new)

Draft opinion

Amendment

3 a. Recalls that data is a source of considerable economic power and leverage and therefore beside the competition law enforcement, fair tax treatment between undertakings is also essential for keeping the integrity of the internal market;

Or. en

Amendment 26

Arba Kokalari

Draft opinion

Paragraph 3 a (new)

Draft opinion

Amendment

3 a. Recalls the importance of the European Digital Single Market in enabling tech companies to easily reach new customers and compete internationally;

Or. en

Amendment 27

Arba Kokalari

Draft opinion

Paragraph 3 b (new)

Draft opinion

Amendment

3 b. Stresses the importance of proceeding swiftly with the negotiations on the Digital Services Act to ensure

Amendment 28

Kim Van Sparrentak

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 4

Draft opinion

4. Underlines that current merger control rules are not fit for dealing with so-called ‘killer acquisitions’ by dominant players *in digital markets*; stresses the fact that ‘killer acquisitions’ may also affect the contestability and fairness of the digital single market and *therefore should be assessed by the Commission in the framework of the DMA, as set out in IMCO’s report*;

Amendment

4. Underlines that current merger control rules are not fit for dealing with so-called ‘killer acquisitions’ by dominant players; stresses the fact that ‘killer acquisitions’ may also affect the contestability and fairness of the digital single market and *have a detrimental effect on consumer choice; calls for a mandatory opinion of the European Data Protection Board in case of concentrations involving one or more operators in the digital sector on the relevance of datasets for the intended concentration, the personal data that the target acquisition processes and the potential impact on the rights to privacy and data protection that the intended concentration has*;

Amendment 29

**Marc Angel, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder,
Christel Schaldemose**

Draft opinion

Paragraph 4

Draft opinion

4. *Underlines that current merger control rules are not fit for dealing with*

Amendment

4. *Recalls that, in order to fight effectively against anti-competitive*

so-called ‘killer acquisitions’ by dominant players in digital markets; stresses the fact that ‘killer acquisitions’ may also affect the contestability and fairness of the digital single market and *therefore* should be assessed by the *Commission in the framework* of the DMA, as set out in *IMCO’s report*;

practices, killer acquisitions must be also taken into account; welcomes the Commission’s Guidance on the application of the referral mechanism set out in Article 22 of the Merger Regulation to certain categories of cases^{2a}which aims to close the loophole related to killer acquisitions in merger control; stresses the fact that ‘killer acquisitions’ may also affect the contestability and fairness of the digital single market and *underline that merger control* should be assessed by the *rules* of the *Merger Regulation, whilst DMA should rein the dominance of big online players*;

^{2a} *OJ C 113, 31.3.2021, p. 1*

Or. en

Amendment 30 **Eugen Jurzyca**

Draft opinion **Paragraph 4**

Draft opinion

4. Underlines that current merger control rules are not fit for dealing with so-called ‘killer acquisitions’ by dominant players in digital markets; stresses the fact that ‘killer acquisitions’ may also affect the contestability and fairness of the digital single market and therefore should be assessed by the Commission in the framework of the DMA, as set out in IMCO’s report;

Amendment

4. Underlines that current merger control rules are not fit for dealing with so-called ‘killer acquisitions’ by dominant players in digital markets; stresses the fact that ‘killer acquisitions’ may also affect the contestability and fairness of the digital single market and therefore should be assessed by the Commission in the framework of the DMA, as set out in IMCO’s report; *agrees that optimal policy should take into account also its effect on innovation rates*;

Or. en

Amendment 31 **Dita Charanzová, Vlad-Marius Botoș, Morten Løkkegaard, Andrus Ansip, Sandro Gozi,**

Draft opinion
Paragraph 4

Draft opinion

4. Underlines that **current** merger control rules **are not fit for dealing with** so-called ‘killer acquisitions’ by dominant players in **digital markets**; stresses the fact that ‘killer acquisitions’ may also affect the contestability and fairness of the **digital** single market and therefore should be assessed by the Commission **in the framework of the DMA, as set out in IMCO’s report**;

Amendment

4. Underlines that merger control rules **should take** so-called ‘killer acquisitions’ by dominant players in **the single market into account**; stresses the fact that ‘killer acquisitions’ may also affect the contestability and fairness of the single market and therefore should be assessed by the Commission;

Or. en

Amendment 32
Kim Van Sparrentak
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4 a. Emphasizes the characteristics of digital markets, such as the role, aggregation and use of data, multi-sided markets, direct and indirect network effects, multihoming, non-monetary switching costs other than pricing, such as the network users have built up, learning costs and users’ platform specific reputation or ratings; underlines that the power that digital players have over consumers, which is driven by the role of data and the role of direct and indirect network effects, is currently not reflected in traditional market definitions, which often focus mainly on pricing and profits, such as the small but significant and non-transitory increase in price (SSNIP) test; welcomes the review of the market definition notice to better assess digital

markets and urges the Commission to take non-monetary factors into account when defining digital markets and positions of power on such markets, such as switching costs other than pricing, and also when assessing market power, such as power over consumers, potential impact on fundamental rights, privacy and data protection and potential impact on society and democracy.

Or. en

Amendment 33

Virginie Joron, Jean-Lin Lacapelle, Antonio Maria Rinaldi, Markus Buchheit

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4a. Deplores the fact that the Commission allows dominant players on the digital market to pursue aggressive external growth strategies, making it impossible for a European champion to emerge in this sector.

Or. fr

Amendment 34

Kim Van Sparrentak

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 4 b (new)

Draft opinion

Amendment

4 b. Stresses the importance of helping consumers and users to gain greater control over the use of their data and calls for a high level of protection of personal data; calls in this regard for clear rules on data sharing that do not undermine consumers' rights to data protection and

privacy and allow them to effectively take control of their data; underlines the crucial role of interoperability in lowering switching costs in digital markets and increasing consumer welfare by consumer choice, including the choice for more privacy-friendly, sustainable or social alternatives;

Or. en

Amendment 35
Kim Van Sparrentak
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 4 c (new)

Draft opinion

Amendment

4 c. Emphasizes that the lack of General Data Protection Regulation (GDPR) enforcement in Ireland benefits a small number of large digital platforms competitively by tolerating privacy breaches for data collection and thus increasing data concentration;

Or. en

Amendment 36
Kim Van Sparrentak
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 4 d (new)

Draft opinion

Amendment

4 d. Notes that large digital players use their market power, power over consumers, large financial resources and data concentration in one market to leverage into another; stresses that small players cannot compete with aforementioned factors, which makes

European citizens even more dependent on the same small number of companies and endangers strategic autonomy; calls for increased scrutiny of the leveraging of dominant positions in digital sectors into other sectors, taking these factors into account, instead of solely focusing on the digital markets or sectors in the review of merger scrutiny;

Or. en

Amendment 37

Eugen Jurzyca

Draft opinion

Paragraph 5

Draft opinion

5. Notes that the consumer Internet of Things (IoT) sector will expand significantly in the coming years but recognises that shortcomings still exist in this sector, such as the lack of interoperability between various IoT products and/or services, which could reduce competition and consumer choice; welcomes the Commission's sector inquiry into the IoT and calls on the Commission to take further action regarding **standards**, data portability and access;

Amendment

5. Notes that the consumer Internet of Things (IoT) sector will expand significantly in the coming years but recognises that shortcomings **might** still exist in this sector, such as the lack of interoperability between various IoT products and/or services, which could reduce competition and consumer choice; ***calls on the Commission to prepare a thorough analysis of such potential impacts on the internal market, including a cost-benefit analysis of any regulatory intervention;*** welcomes the Commission's sector inquiry into the IoT and calls on the Commission, ***where necessary and where the net benefits are proven by the impact assessment,*** to take further action regarding data portability and access;

Or. en

Amendment 38

Kim Van Sparrentak

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 5

Draft opinion

5. Notes that the consumer Internet of Things (IoT) sector will expand significantly in the coming years but recognises that shortcomings still exist in this sector, such as the lack of interoperability between various IoT products and/or services, which could reduce competition and consumer choice; welcomes the Commission's sector inquiry into the IoT and calls on the Commission to take further action regarding standards, data portability and access;

Amendment

5. Notes that the consumer Internet of Things (IoT) sector will expand significantly in the coming years but recognises that shortcomings still exist in this sector, such as the lack of interoperability between various IoT products and/or services, which could reduce competition and consumer choice; welcomes the Commission's sector inquiry into the IoT and calls on the Commission to take further action regarding standards, data portability and access; ***emphasizes in this regard that open source software and open data principles are crucial to ensure fair competition and allow for innovation;***

Or. en

Amendment 39

Dita Charanzová, Vlad-Marius Botoș, Morten Løkkegaard, Andrus Ansip, Sandro Gozi, Jordi Cañas

Draft opinion Paragraph 5

Draft opinion

5. Notes that the consumer Internet of Things (IoT) sector will expand significantly in the coming years but recognises that shortcomings still exist in this sector, ***such as the lack of interoperability between various IoT products and/or services***, which could reduce competition and consumer choice; welcomes the Commission's sector inquiry into the IoT and calls on the Commission to take further action regarding standards, data portability and access;

Amendment

5. Notes that the consumer Internet of Things (IoT) sector will expand significantly in the coming years but recognises that shortcomings still exist in this sector, which could reduce competition and consumer choice; welcomes the Commission's sector inquiry into the IoT and calls on the Commission to take further action regarding standards, data portability and access;

Or. en

Amendment 40
Kim Van Sparrentak
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 6

Draft opinion

6. Notes that the Vertical Block Exemption Regulation¹ and related Vertical Guidelines² have been inadequately adapted for recent market developments, notably the growth of online sales and online platforms; highlights that there are outstanding concerns regarding the automobile sector, where manufacturers are competing directly with the distribution network by modifying the contractual terms of the vertical distribution relationship, thereby placing them at a competitive disadvantage and driving small and medium-sized enterprises out of the market;

¹ Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (OJ L 102, 23.4.2010, p. 1).

² OJ C 130, 19.5.2010, p. 1.

Amendment

6. Notes that the Vertical Block Exemption Regulation¹ and related Vertical Guidelines² have been inadequately adapted for recent market developments, notably the growth of online sales and online platforms; highlights that there are outstanding concerns regarding the automobile sector, where manufacturers are competing directly with the distribution network by modifying the contractual terms of the vertical distribution relationship, thereby placing them at a competitive disadvantage and driving small and medium-sized enterprises out of the market; ***stresses that the digitalisation of the automotive sector raises also concerns in terms of competition due to third-party service providers lacking access to interfaces and in-vehicle data that is controlled by the vehicle's manufacturers;***

¹ Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (OJ L 102, 23.4.2010, p. 1).

² OJ C 130, 19.5.2010, p. 1.

Or. en

Amendment 41
Eugen Jurzyca

Draft opinion
Paragraph 6

Draft opinion

6. Notes that the Vertical Block Exemption Regulation¹ and related Vertical Guidelines² have been inadequately adapted for recent market developments, notably the growth of online sales and online platforms; ***highlights that there are outstanding concerns regarding the automobile sector, where manufacturers are competing directly with the distribution network by modifying the contractual terms of the vertical distribution relationship, thereby placing them at a competitive disadvantage and driving small and medium-sized enterprises out of the market;***

¹ Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (OJ L 102, 23.4.2010, p. 1).

² OJ C 130, 19.5.2010, p. 1.

Amendment

6. Notes that the Vertical Block Exemption Regulation¹ and related Vertical Guidelines² have been inadequately adapted for recent market developments, notably the growth of online sales and online platforms; ***notes that a detailed impact assessment would be an important input for the revision discussions; calls on the Commission to quantify net present value of each option;***

¹ Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (OJ L 102, 23.4.2010, p. 1).

² OJ C 130, 19.5.2010, p. 1.

Or. en

Amendment 42

Dita Charanzová, Vlad-Marius Botoș, Morten Løkkegaard, Andrus Ansip, Sandro Gozi, Stéphanie Yon-Courtin, Jordi Cañas, Svenja Hahn

Draft opinion

Paragraph 6

Draft opinion

6. Notes that the Vertical Block Exemption Regulation¹ and related Vertical Guidelines² have been inadequately adapted for recent market developments, notably the growth of online sales and online platforms; ***highlights that there are outstanding concerns regarding***

Amendment

6. Notes that the Vertical Block Exemption Regulation¹ and related Vertical Guidelines² have been inadequately adapted for recent market developments, notably the growth of online sales and online platforms; ***asks the Commission to ensure that any future***

the automobile sector, where manufacturers are competing directly with the distribution network by modifying the contractual terms of the vertical distribution relationship, thereby placing them at a competitive disadvantage and driving small and medium-sized enterprises out of the market;

¹ Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (OJ L 102, 23.4.2010, p. 1).

² OJ C 130, 19.5.2010, p. 1.

revision takes the abuse of selective distribution agreements, labelling and other measures to prevent the purchase, distribution and resale of goods across borders into account.

¹ Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (OJ L 102, 23.4.2010, p. 1).

² OJ C 130, 19.5.2010, p. 1.

Or. en

Amendment 43

Marc Angel, Andreas Schieder, Adriana Maldonado López, Brando Benifei, Maria Grapini

Draft opinion Paragraph 6

Draft opinion

6. Notes that the Vertical Block Exemption Regulation¹ and related Vertical Guidelines² ***have been inadequately adapted*** for recent market developments, notably the growth of online sales and online platforms; highlights that there are outstanding concerns regarding the automobile sector, where manufacturers are competing directly with the distribution network by modifying the contractual terms of the vertical distribution relationship, thereby placing them at a competitive disadvantage and driving small and medium-sized enterprises out of the market;

Amendment

6. Notes that ***the Commission is currently working on its proposal to better adapt*** the Vertical Block Exemption Regulation¹ and related Vertical Guidelines² for recent market developments, notably the growth of online sales and online platforms; highlights that there are outstanding concerns regarding the automobile sector, where manufacturers are competing directly with the distribution network by modifying the contractual terms of the vertical distribution relationship, thereby placing them at a competitive disadvantage and driving small and medium-sized enterprises out of the market;

¹ Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (OJ L 102, 23.4.2010, p. 1).

² OJ C 130, 19.5.2010, p. 1.

¹ Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (OJ L 102, 23.4.2010, p. 1).

² OJ C 130, 19.5.2010, p. 1.

Or. en

Amendment 44

Róza Thun und Hohenstein, Antonius Manders, Dita Charanzová

Draft opinion

Paragraph 6 a (new)

Draft opinion

Amendment

6 a. Following the adoption of the Geo-blocking Regulation (EU) 2018/302, notes the Commission's first short-term review of the Geo-blocking Regulation, which shows, in particular, that the demand for cross-border access to audio-visual services is increasing; calls on the Commission to continue to actively monitor and remove – with a pro-consumer approach allowing consumers to shop seamlessly across the EU – unjustified geo-blocking and other persistent restrictions on cross-border online sales; welcomes in this context the Commission's decision to launch a stakeholder dialogue on improving the access to and availability of audiovisual content across Member States and hopes that it will produce tangible results for EU citizens; calls on the Commission to consider proposing appropriate legislative measures in case these results are not delivered by the end of 2022;

Or. en

Amendment 45
Brando Benifei, Marc Angel

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6 a. *Considers that the distinction made in the draft guidelines to the Vertical Block Exemption Regulation (VBER) revision between resale price maintenance (RPM), distorting the market, and minimum advertised price (MAP), which could be allowed under certain circumstances and conditions, could constitute a tool to support SMEs to stand aggressive price competition on online marketplaces; to this end, asks the Commission to clarify in the guidelines the conditions under which MAP does not constitute RPM;*

Or. en

Amendment 46
Kim Van Sparrentak
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6 a. *Furthermore, underlines the need for General Block Exemption Regulation^{1a} (GBER) provisions to be aligned with EU policy objectives to ensure policy coherence; welcomes that the draft revised GBER further recognises renewable energies and biodiversity protection measures; stresses however that clear, stringent and enforceable criteria and targets should be set for allowing state aid to low-carbon hydrogen;*

1a Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187 26.6.2014, p. 1)

Or. en

Amendment 47

Dita Charanzová, Vlad-Marius Botoș, Morten Løkkegaard, Andrus Ansip, Sandro Gozi, Stéphanie Yon-Courtin, Jordi Cañas, Svenja Hahn

Draft opinion

Paragraph 6 a (new)

Draft opinion

Amendment

6 a. *Notes the continued use of different national product codes and serial numbers for the same or virtually identical products in order to prevent cross-border comparisons of prices and purchase; believes that this has a direct negative effect on consumers and asks the Commission to assess this matter further;*

Or. en

Amendment 48

Eugen Jurzyca

Draft opinion

Paragraph 7

Draft opinion

Amendment

7. Notes the continued impact of the COVID-19 pandemic on the EU economy and the risks and opportunities it poses to the internal market; **welcomes** the Commission's decision to prolong the temporary framework for State aid until 30 June 2022, **but highlights that these measures should remain in place until gross domestic product and employment**

7. Notes the continued impact of the COVID-19 pandemic on the EU economy and the risks and opportunities it poses to the internal market; **notes** the Commission's decision to prolong the temporary framework for State aid until 30 June 2022; **stresses that the temporary framework might have already produced distortions of competition and negative**

return to pre-pandemic levels;

effects on trade which will last in the medium and long-term, and therefore believes that it should stay in place only for the time strictly necessary to address the immediate consequences of the pandemic;

Or. en

Amendment 49

Dita Charanzová, Vlad-Marius Botoș, Morten Løkkegaard, Andrus Ansip, Jordi Cañas, Svenja Hahn

Draft opinion Paragraph 7

Draft opinion

7. Notes the continued impact of the COVID-19 pandemic on the EU economy and the risks and opportunities it poses to the internal market; welcomes the Commission's decision to prolong the temporary framework for State aid until 30 June 2022, ***but highlights that these measures should remain in place until gross domestic product and employment return to pre-pandemic levels;***

Amendment

7. Notes the continued impact of the COVID-19 pandemic on the EU economy and the risks and opportunities it poses to the internal market; welcomes the Commission's decision to prolong the temporary framework for State aid until 30 June 2022; ***notes, however, that the differing sizes of the Member States means that not all Member States are able to equally take advantage of the temporary framework; asks the Commission to ensure that the measures are proportionate to actual needs and do not distort competition within the single market.***

Or. en

Amendment 50

Marc Angel, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Biljana Borzan, Christel Schaldemose

Draft opinion Paragraph 7

Draft opinion

7. Notes the continued impact of the

Amendment

7. Notes the continued impact of the

COVID-19 pandemic on the EU economy and the risks and opportunities it poses to the internal market; *welcomes* the Commission's decision to prolong the temporary framework for State aid until 30 June 2022, *but highlights that these measures should remain in place until gross domestic product and employment return to pre-pandemic levels*;

COVID-19 pandemic on the EU economy and the risks and opportunities it poses to the internal market; *notes* the Commission's decision to prolong the temporary framework for State aid until 30 June 2022;

Or. en

Amendment 51

Kim Van Sparrentak

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 7

Draft opinion

7. Notes the continued impact of the COVID-19 pandemic on the EU economy and the risks and opportunities it poses to the internal market; welcomes the Commission's decision to prolong the temporary framework for State aid until 30 June 2022, but highlights that these measures should remain *in place until gross domestic product and employment return to pre-pandemic levels*;

Amendment

7. Notes the continued impact of the COVID-19 pandemic on the EU economy and the risks and opportunities it poses to the internal market; welcomes the Commission's decision to prolong the temporary framework for State aid until 30 June 2022, but highlights that these measures should remain *temporary; adds that state aid guaranteed under these extraordinary circumstances should help promoting competitiveness and safeguarding jobs, while not putting into question consumers' rights*;

Or. en

Amendment 52

Eugen Jurzyca

Draft opinion

Paragraph 7 a (new)

Draft opinion

Amendment

7 a. Calls on the Commission to

improve the transparency of the state aid evaluation process, which should include clear reasoning, state aid description, measurable indicators allowing the ex-post monitoring and evaluation; therefore highlights the need for the ex-post monitoring of the effective implementation of the adopted state aid cases; believes that also output of the consultation phase should be disclosed;

Or. en

Amendment 53
Vlad-Marius Botoș, Dita Charanzová

Draft opinion
Paragraph 7 a (new)

Draft opinion

Amendment

7 a. Highlights the impact of border controls due to the COVID-19, but also due to the national border control in the Member States not in the Schengen zone, on the free movement of products, the risks and the impediments on competition especially for SMEs; calls on the Commission and Member States to analyse the situation, remove the barriers and complete the single market;

Or. en

Amendment 54
Marc Angel, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Biljana Borzan, Christel Schaldemose, Adriana Maldonado López, Brando Benifei

Draft opinion
Paragraph 7 a (new)

Draft opinion

Amendment

7 a. Welcomes the Commission's efforts in monitoring and assisting Member States in their efforts in

incorporating the ECN+ Directive^{1a} into national law and urges the Commission to further strengthen the role of the European Consumers Centres Networks (ECC-Net); reiterates its call on the Commission to conduct a study on whether an EU consumers authority is needed;

^{1a} Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (OJ L 11, 14.1.2019, p. 3)

Or. en

Amendment 55
Kim Van Sparrentak
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 7 a (new)

Draft opinion

Amendment

7 a. Takes note that 80,1% of State aid approved was notified by only 3 Member States, with 51.5% only for Germany; calls on the Commission to assess the impact of this high concentration of State aid on the internal market;

Or. en

Amendment 56
Kim Van Sparrentak
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 7 b (new)

7 b. Deplores that no green conditioning was attached to the 670 decisions approving €3 trillion of state aid under the temporary framework; regrets in particular that more than 40 decisions allowed state aid to airlines, airports and ground handling companies without requiring these companies to adopt transition plans toward more sustainable business models;

Or. en

Amendment 57

Kim Van Sparrentak

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 7 c (new)

7 c. Reiterates that it is crucial to ensure policy coherence by setting the right competition rules to foster the right investment incentives; welcomes the process launched by the Commission to reflect on the role that competition policy can play to support the green, digital transitions as well as the EU industrial strategy; takes note in this regard of the State Aid Guidelines for Climate, Environmental Protection and Energy that have been released in December 2021; welcomes that the guidelines acknowledge that measures that directly or indirectly involve support to fossil fuels, in particular the most polluting ones, often have negative environmental externalities on the market; stresses that therefore those measures should never receive a positive assessment; stresses that where efforts to price in negative externalities already exist, such as in the Emission Trading System, competition policy should support these efforts and

not counteract them;

Or. en

Amendment 58
Kim Van Sparrentak
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 7 d (new)

Draft opinion

Amendment

7 d. Underlines that competition policy must be in line with the priorities outlined in the European Green Deal and the objectives of the Paris Agreement and the Union's climate and biodiversity targets; stresses the need for a horizontal obligation to assess the environmental impact of all state aid;

Or. en

Amendment 59
Kim Van Sparrentak
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 7 e (new)

Draft opinion

Amendment

7 e. Notes that if enterprises come together to set minimum standards with regard to environmental standards and social conditions, they must not be limited by competition law, if it contributes to environmental and social goals and benefits consumers; emphasizes that the horizontal guidelines on the application of Article 101(3) TFEU should be revised, in order to provide further guidance on collaborations which “contribute to improving the production or distribution of goods or to promoting technical or

economic progress, while allowing consumers a fair share of the resulting benefit" in light of the Green Deal, where, in particular, environmental and social benefits should be taken into account, as well as long-term benefits which can be expected to arise when companies jointly set minimum standards;

Or. en

Amendment 60

Kim Van Sparrentak

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 8

Draft opinion

8. Calls on the Commission to adapt competition rules and ensure their enforcement in the energy sector to facilitate the creation of industrial giants capable of competing in global markets and to protect the security of energy supplies in the European Union, thus reducing price volatility and combating the rise in energy prices, which accounts for around half of the increase in the inflation rate;

Amendment

deleted

Or. en

Amendment 61

Eugen Jurzyca

Draft opinion

Paragraph 8

Draft opinion

8. Calls on the Commission to adapt competition rules and ensure their enforcement in the energy sector *to facilitate the creation of industrial giants*

Amendment

8. Calls on the Commission to adapt competition rules and ensure their enforcement in the energy sector and to protect the *resilience* of energy supplies in

capable of competing in global markets and to protect the *security* of energy supplies in the European Union, thus reducing price volatility and combating the rise in energy prices, which accounts for around half of the increase in the inflation rate;

the European Union, thus reducing price volatility and combating the *unexpected* rise in energy prices, which accounts for around half of the increase in the inflation rate; *considers that potentially excessive and insufficiently evaluated investments in renewable energy linked with the negative attitude towards the carbon-free nuclear energy sources may also impact the price increase;*

Or. en

Amendment 62

Dita Charanzová, Vlad-Marius Botoș, Morten Løkkegaard, Andrus Ansip, Sandro Gozi, Jordi Cañas, Svenja Hahn

Draft opinion Paragraph 8

Draft opinion

8. Calls on the Commission to *adapt* competition *rules and ensure their* enforcement in the energy sector *to facilitate the creation of industrial giants capable of competing in global markets* and to protect the security of energy supplies in the European Union, thus reducing price volatility and combating the rise in energy prices, which accounts for around half of the increase in the inflation rate;

Amendment

8. Calls on the Commission to *ensure* competition *policy* enforcement in the energy sector and to protect the security of energy supplies in the European Union, thus reducing price volatility and combating the rise in energy prices, which accounts for around half of the increase in the inflation rate;

Or. en

Amendment 63

Marc Angel, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Christel Schaldemose, Adriana Maldonado López, Brando Benifei

Draft opinion Paragraph 8

Draft opinion

8. *Calls on the Commission to adapt*

Amendment

8. *Reiterates that* competition rules

competition rules *and ensure their enforcement in the energy sector to facilitate the creation of industrial giants capable of competing in global markets* and to protect the security of energy supplies in the European Union, thus reducing price volatility and combating the rise in energy prices, which accounts for *around half* of the increase in the inflation rate;

should also facilitate the *achievement of the objectives of the Energy Union* and to protect the security of energy supplies in the European Union, thus reducing price volatility and combating the rise in energy prices, which accounts for *a significant part* of the increase in the inflation rate;

Or. en

Amendment 64

Dita Charanzová, Vlad-Marius Botoș, Morten Løkkegaard, Andrus Ansip, Sandro Gozi, Stéphanie Yon-Courtin, Róza Thun und Hohenstein, Jordi Cañas, Svenja Hahn

Draft opinion

Paragraph 8 a (new)

Draft opinion

Amendment

8 a. Stresses the need for competition policy to support SMEs in Europe and to prevent the consolidation of market dominance in the hands of a few large European and international companies; underlines that the single market depends not only on competition at the international level, but also inside the single market itself;

Or. en

Amendment 65

Virginie Joron, Jean-Lin Lacapelle, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

Draft opinion

Paragraph 8 a (new)

Draft opinion

Amendment

8a. Calls on the Commission to take account of the impact on jobs in Europe and on prices for consumers in the

procedures to assess the different options put forward by DG Competition to companies looking to merge.

Or. fr

Amendment 66
Eugen Jurzyca

Draft opinion
Paragraph 8 a (new)

Draft opinion

Amendment

8 a. *Calls on the Commission to create a level playing field for the different technologies and innovations in the energy sector; believes that this can be achieved, for example, by fees for negative externalities, rather than subsidies for selected solutions;*

Or. en

Amendment 67
Virginie Joron, Jean-Lin Lacapelle, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit

Draft opinion
Paragraph 8 b (new)

Draft opinion

Amendment

8b. *Calls on the Commission to adapt competition rules and ensure their enforcement in the digital sector to allow for the emergence of European giants capable of competing in global markets and offering European consumers competitive, safe and sovereign digital solutions that keep their data in Europe.*

Or. fr

Amendment 68
Eugen Jurzyca

Draft opinion
Paragraph 8 b (new)

Draft opinion

Amendment

8 b. *[subtitle to be inserted before para 9]*

EU response to foreign subsidies

Or. en

Amendment 69
Virginie Joron, Jean-Lin Lacapelle, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit

Draft opinion
Paragraph 8 c (new)

Draft opinion

Amendment

8c. ***Calls on the Commission to amend the rules to introduce a quota for European production in the digital sector to restore competitive market structures and respond to consumer demand.***

Or. fr

Amendment 70
Marc Angel, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Christel Schaldemose, Adriana Maldonado López, Brando Benifei

Draft opinion
Paragraph 9

Draft opinion

Amendment

9. Highlights the importance of tackling foreign subsidies that are distorting the EU's internal market and welcomes the proposed regulation on foreign subsidies, which is relevant in cases where, for example, a subsidised

9. Highlights the importance of tackling foreign subsidies that are distorting the EU's internal market and welcomes the proposed regulation on foreign subsidies, which is relevant in cases where, for example, a subsidised

company intends to participate in EU public procurement procedures.

company intends to participate in EU public procurement procedures; ***underlines that third-country companies benefitting from State aid or other subsidies might potentially distort competition in the internal market as well as weaken the service level and consumer protection standards also in the internal market; in this regard, calls on the Commission to take appropriate measures to ensure fair market access and level playing field, in every concerned sector, such as aviation;***

Or. en

Amendment 71
Eugen Jurzyca

Draft opinion
Paragraph 9

Draft opinion

9. Highlights the importance of tackling foreign subsidies that are distorting the EU's internal market and ***welcomes*** the proposed regulation on foreign subsidies, which is relevant in cases where, for example, a subsidised company intends to participate in EU public procurement procedures.

Amendment

9. Highlights the importance of tackling foreign subsidies that are distorting the EU's internal market and ***notes*** the proposed regulation on foreign subsidies, which is relevant in cases where, for example, a subsidised company intends to participate in EU public procurement procedures.

Or. en

Amendment 72
Dita Charanzová, Vlad-Marius Botoș, Morten Løkkegaard, Andrus Ansip, Sandro Gozi, Stéphanie Yon-Courtin, Róża Thun und Hohenstein, Jordi Cañas, Svenja Hahn

Draft opinion
Paragraph 9

Draft opinion

9. Highlights the importance of tackling foreign subsidies that are ***distorting*** the EU's internal market ***and***

Amendment

9. Highlights the importance of tackling ***distortive*** foreign subsidies that are ***harming the level playing field in*** the

welcomes the proposed regulation on foreign subsidies, which *is relevant in cases where, for example, a subsidised company intends to participate in EU public procurement procedures.*

EU's internal market; *in this regard* welcomes the proposed regulation on foreign subsidies, which *will help to promote a fair and competitive single market;*

Or. en

Amendment 73
Eugen Jurzyca

Draft opinion
Paragraph 9 a (new)

Draft opinion

Amendment

9 a. *Expresses concern over retaliation measures against EU companies at global level, including the risk of the mirroring anti-subsidy principle directed at EU companies, for example in public procurement; stresses the key importance of creating transparent and measurable indicators and investigation procedures to establish clear framework for the assessment of the distortive effect of foreign subsidies;*

Or. en

Amendment 74
Kim Van Sparrentak
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 9 a (new)

Draft opinion

Amendment

9 a. *Adds that in order to ensure a level playing field in the single market and in global context, measures to effectively address social, environmental and fiscal dumping are needed; calls therefore on the Commission to establish an ambitious legal framework to verify compliance with*

social, environmental and human rights’ requirements as under EU law and international conventions;

Or. en

Amendment 75

Virginie Joron, Jean-Lin Lacapelle, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit

Draft opinion

Paragraph 9 a (new)

Draft opinion

Amendment

9a. *Calls for a quota or European preference to be introduced for local or European production in public procurement in the digital sector in Europe.*

Or. fr

Amendment 76

Eugen Jurzyca

Draft opinion

Paragraph 9 b (new)

Draft opinion

Amendment

9 b. *Recalls that based on the OECD 2021 study, the empirical analysis there conducted finds that below-market finance may have been a contributor to excess capacity in a number of sectors, subsidies also appear to be negatively correlated with firm productivity; notes that the OECD findings also raised significant concerns about a lack of transparency in relation to below-market finance; believes that the EU should target these negative consequences of foreign subsidies on the internal market effectively, considering the potential negative effects of regulation, including*

*the administrative and regulatory burden,
retaliation measures and impact on
investments and growth;*

Or. en

Amendment 77
Eugen Jurzyca

Draft opinion
Paragraph 9 c (new)

Draft opinion

Amendment

9 c. [subtitle to be inserted]
***Review of competition policy and
enforcement rules***

Or. en

Amendment 78
Eugen Jurzyca

Draft opinion
Paragraph 9 d (new)

Draft opinion

Amendment

**9 d. *Notes the aim to improve
competition rules and their enforcement;
stresses the need to prepare in-depth
analysis of the regulatory approaches in
other developed markets, in order to
compare their effectiveness, to avoid
market failures and consumer welfare
losses and to deliver the most efficient
regulatory environment; notes the UK
approach to target the companies with
highest risk of harm, including by
imposing remedies supported by fair and
robust process in place to ensure that
remedies are evidence-based, targeted,
proportionate, and subject to appropriate
legal safeguards;***

Amendment 79
Eugen Jurzyca

Draft opinion
Paragraph 9 e (new)

Draft opinion

Amendment

9 e. Reminds the Court of Auditors recommendations^{1c}, which state that the Commission should follow a more proactive approach by gathering and processing market relevant information in a consistent and cost-efficient manner and select cases for investigation based on clearly weighted criteria, for example by using a scoring system; highlights the need, in line with the Court of Auditors' recommendations, for the new rules to improve the reporting of the results of the enforcement action, instead of focusing on reporting of activities;

^{1c} 2020 Special Report; The Commission's EU merger control and antitrust proceedings: a need to scale up market oversight

Or. en

Amendment 80
Eugen Jurzyca

Draft opinion
Paragraph 9 f (new)

Draft opinion

Amendment

9 f. Recalls that profit-seeking behaviour should be accepted and should not be accused of being anti-competitive without objective and facts-based reason, reminds that anticompetitive behaviour is prohibited and hyper-competitive

behaviour is not; reminds that particular offering attracting many consumers because of its convenience is not in itself sufficient ground for concern; calls on the Commission to distinguish those behaviours for antitrust enforcement;

Or. en

Amendment 81
Eugen Jurzyca

Draft opinion
Paragraph 9 g (new)

Draft opinion

Amendment

9 g. *Highlights the need to prepare any legislative proposal based on data, in-depth impact assessments, best practices and analyses in order to promote consumer welfare and to avoid unnecessary administrative or regulatory burden;*

Or. en

Amendment 82
Eugen Jurzyca

Draft opinion
Paragraph 9 h (new)

Draft opinion

Amendment

9 h. *Reminds that the notification procedure under the Services Directive,^{1a} which should prevent the creation of national technical barriers to trade (by ensuring the compatibility of national legislation with EU law and single market principles), is not functioning as well as it should; regrets that some Member States are reluctant to notify such requirements, thus making it difficult for the Commission or other Member States to*

scrutinise the draft laws; therefore, regrets the Commission's withdrawal of the proposed revision of the notification procedure under the Services Directive; calls on the Commission to propose a new revision, which would improve the transparency of national regulations to address identified shortcomings in the internal market;

^{1a} Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36)

Or. en

Amendment 83
Eugen Jurzyca

Draft opinion
Paragraph 9 i (new)

Draft opinion

Amendment

9 i. Reminds that in 1980, China accounted for 2,3 % of the global economy, the US 21,3 % and the current EU 27 almost 26%; notes however that in 2020, China reached 18,3 %, the US fell to 15,8 % and the EU to 15%; stresses that without economic growth, we can hardly improve healthcare, education, research or environmental protection on the internal market; calls on the Commission to analyse the key shortcomings in competition policy, including the impact of excessive administrative burden, impact of lack of legal certainty and protectionism measures at the EU and national levels;

Or. en

Amendment 84

Eugen Jurzyca

Draft opinion
Paragraph 9 j (new)

Draft opinion

Amendment

9 j. Regrets that the number of EU unicorns is rather limited compared to other developed regions or countries; urges the Commission to analyse the regulatory environment in the most successful countries and to publish the best practices; further calls on the Commission to introduce changes to improve competition policy on the internal market to create a better suited environment for companies, including start-ups, entrepreneurs and innovators;

Or. en

Amendment 85
Eugen Jurzyca

Draft opinion
Paragraph 9 k (new)

Draft opinion

Amendment

9 k. Agrees with the statement of Commissioner Vestager, highlighting that strong businesses would not emerge by shielding them from competition, but by exposing them to it; stresses that protectionism measures should be phased out; reminds that the right goal to improve the resilience of the internal market should not be considered as an excuse for new protectionism measures; calls on the Commission to provide analyses for each such measure in order to quantify its overall impact on the internal market and its openness;

Or. en

Amendment 86
Eugen Jurzyca

Draft opinion
Paragraph 9 l (new)

Draft opinion

Amendment

9 l. *Recalls the IMF 2021 report on Competition, Innovation, and Inclusive Growth, which states that competition and innovation-led growth are critical to drive productivity gains and support broad-based growth; notes that it also states that policies to support innovation could also improve business dynamism and reduce market power;*

Or. en

Amendment 87
Eugen Jurzyca

Draft opinion
Paragraph 9 m (new)

Draft opinion

Amendment

9 m. *Urges the Commission to carry out an ex post evaluation of its enforcement decisions, including the impact of the fines and sanctions given for anti-competitive conduct in the internal market, whether they were effective and delivered intended results.*

Or. en