AMENDMENTS
296 - 533

Draft report
Christophe Hansen
(PE703.002v01-00)

Foreign subsidies distorting the internal market

Proposal for a regulation
(COM(2021)0223 – C9-0167/2021 – 2021/0114(COD))
Amendment 296
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2 a) The Parliament shall be invited to the in-depth investigation, with the provision that the Members of the European Parliament invited shall not disclose any information during such investigation.

Or. en

Amendment 297
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

Amendment

(3) Where the Commission, after a preliminary assessment, concludes that there are no sufficient grounds to initiate the in-depth investigation, either because there is no foreign subsidy or because there are no indications of an actual or potential distortion on the internal market, it shall close the preliminary review and inform the undertaking concerned.

(3) Where the Commission, after a preliminary assessment, concludes that there are no sufficient grounds to initiate the in-depth investigation, either because there is no foreign subsidy or because there are no indications of an actual or potential distortion on the internal market, it shall close the preliminary review and inform the undertaking and Member States concerned, and the European Parliament.

Or. en

Amendment 298
Gilles Lebreton

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

Amendment
(3) Where the Commission, after a preliminary assessment, concludes that there are no sufficient grounds to initiate the in-depth investigation, either because there is no foreign subsidy or because there are no indications of an actual or potential distortion on the internal market, it shall close the preliminary review and inform the undertaking concerned.

Amendment 299
Enikő Győri, Ernő Schaller-Baross
Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission
(3) Where the Commission, after a preliminary assessment, concludes that there are no sufficient grounds to initiate the in-depth investigation, either because there is no foreign subsidy or because there are no indications of an actual or potential distortion on the internal market, it shall close the preliminary review and inform the undertaking concerned.

Amendment
(3) Where the Commission, after a preliminary assessment, concludes that there are no sufficient grounds to initiate the in-depth investigation, either because there is no foreign subsidy or because there are no indications of an actual or potential distortion on the internal market, it shall close the preliminary review and inform the undertaking concerned and the competent national authorities.

Or. fr

Amendment 300
Reinhard Bütikofer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission
(3) Where the Commission, after a preliminary assessment, concludes that there are no sufficient grounds to initiate

Amendment
(3) Where the Commission, after a preliminary assessment, concludes that there are no sufficient grounds to initiate
the in-depth investigation, either because there is no foreign subsidy or because there are no indications of an actual or potential distortion on the internal market, it shall close the preliminary review and inform the undertaking concerned.

Amendment 301
Massimiliano Salini, Iuliu Winkler, Arnaud Danjean

Proposal for a regulation
Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3 a) The Commission will set out the criteria to open such a procedure by the date of application of this Regulation.

Amendment 302
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

(1) During the in-depth investigation, the Commission shall further assess the foreign subsidy distorting the internal market that has been identified in the decision to initiate the in-depth investigation, seeking all the information it considers necessary in accordance with Articles 11, 12 and 13. The Commission shall report to the Parliament and the Council on the results of the investigation.
Amendment 303
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

(2) Where the Commission finds that a foreign subsidy distorts the internal market pursuant to Articles 3 to 5, it may impose redressive measures (‘decision with redressive measures’).

Amendment

(2) Where the Commission finds that a foreign subsidy distorts the internal market pursuant to Articles 3 to 5 and without prejudice to Article 5, it shall impose redressive measures (‘decision with redressive measures’).

Or. en

Amendment 304
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

(2) Where the Commission finds that a foreign subsidy distorts the internal market pursuant to Articles 3 to 5, it may impose redressive measures (‘decision with redressive measures’).

Amendment

(2) Where the Commission finds that a foreign subsidy distorts the internal market pursuant to Articles 3 to 5, it shall impose redressive measures (‘decision with redressive measures’).

Or. en

Amendment 305
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 9 – paragraph 3 a (new)

Text proposed by the Commission

(3 a) The Parliament shall be invited to the in-depth investigation, with the provision that the Members of the European Parliament invited shall not
disclose any information during such investigation.

Amendment 306
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 10 – paragraph 1 – introductory part

Text proposed by the Commission
The Commission may take interim measures, where:

Amendment
The Commission shall take interim measures, where:

Amendment 307
Emmanuel Maurel

Proposal for a regulation
Article 10 – paragraph 1 – introductory part

Text proposed by the Commission
The Commission may take interim measures, where:

Amendment
The Commission or the Member State to which a referral is made by the Commission pursuant to Article 7(2) and (3) may take interim measures, where:

Amendment 308
Geert Bourgeois

Proposal for a regulation
Article 10 – paragraph 1 – introductory part

Text proposed by the Commission
The Commission may take interim measures, where:

Amendment
The Commission may take interim measures, including during the preliminary review period, where:
Amendment 309
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 10 – paragraph 1 – introductory part

Text proposed by the Commission
The Commission may take interim measures, where:

Amendment
The Commission may take interim measures, including during the preliminary review period, where:

Or. en

Amendment 310
Reinhard Bütikofer
on behalf of the Verts/ALE Group

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

Text proposed by the Commission
(1) there are indications that a financial contribution constitutes a foreign subsidy and distorts the internal market; and

Amendment
(1) there are indications that a financial contribution or economically equivalent support measure constitutes a foreign subsidy and distorts the internal market; and

Or. en

Amendment 311
Gilles Lebreton

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

Text proposed by the Commission
(1) there are indications that a financial contribution constitutes a foreign subsidy and distorts the internal market; and

Amendment
(1) there are firm indications that a financial contribution constitutes a foreign subsidy and distorts the internal market;
and

Amendment 312
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

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

Text proposed by the Commission

(1) there are indications that a financial contribution constitutes a foreign subsidy and distorts the internal market; and

Amendment

(1) there are indications that a financial contribution or advantage constitutes a foreign subsidy and distorts the internal market; and

Or. fr

Amendment 313
Emmanuel Maurel

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

Text proposed by the Commission

(1) there are indications that a financial contribution constitutes a foreign subsidy and distorts the internal market; and

Amendment

(1) there are indications that a financial contribution constitutes a foreign subsidy and distorts the internal market; or

Or. fr

Amendment 314
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 10 – paragraph 1 – point 2

Text proposed by the Commission

(2) there is a serious risk of substantial and irreparable damage to competition on the internal market.

Amendment

(2) there is a serious risk of substantial damage to competition on the internal market.
Amendment 315
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 10 – paragraph 1 – point 2

**Text proposed by the Commission**

(2) there is a serious risk of substantial and irreparable damage to competition on the internal market.

**Amendment**

(2) there is a serious risk of substantial and irreparable damage to competition on the internal market. *Such serious risk is likely to occur in the case of subsidies operators in sectors which are targeted by national strategic plans in third countries or are otherwise considered strategic, affected by structural excess capacities, or dominated by the presence of State-owned enterprises in the country granting the subsidies.*

Amendment 316
Gilles Lebreton

Proposal for a regulation
Article 10 – paragraph 1 – point 2

**Text proposed by the Commission**

(2) there is a serious risk of substantial and irreparable damage to competition on the internal market.

**Amendment**

(2) there is a serious *and immediate* risk of substantial and irreparable damage to competition on the internal market.

Amendment 317
Reinhard Büttikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 10 – paragraph 1 – point 2 a (new)
Text proposed by the Commission

Amendment

(2 a) Interim measures shall be limited in time. They may be prolonged where the indication of distortive effects or the serious risk of substantial and irreparable damage to competition on the internal market continue to exist.

Or. en

Amendment 318
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 10 – paragraph 1 – point 2 b (new)

Text proposed by the Commission

Amendment

(2 b) The Commission is empowered to adopt a delegated act for the purpose of supplementing paragraphs 1 and 2 with a methodology for determining that a serious risk of substantial and irreparable damage to competition arises on the internal market.

Or. en

Amendment 319
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Interim measures shall be limited in time.

Or. en

Amendment 320
Emmanuel Maurel
Proposal for a regulation
Article 11 – paragraph 1

*Text proposed by the Commission*

(1) The Commission may require an undertaking concerned to provide all necessary information.

*Amendment*

(1) The Commission or the Member State to which a referral is made by the Commission pursuant to Article 7(2) and (3) may require an undertaking concerned to provide all necessary information.

Or. fr

Amendment 321
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 11 – paragraph 1

*Text proposed by the Commission*

(1) The Commission *may* require an undertaking concerned to provide all necessary information.

*Amendment*

(1) The Commission *shall* require an undertaking concerned to provide all necessary information.

Or. en

Amendment 322
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 11 – paragraph 2

*Text proposed by the Commission*

(2) The Commission *may* also request such information from other undertakings or associations of undertakings.

*Amendment*

(2) The Commission *shall* also request such information from other undertakings or associations of undertakings.

Or. en

Amendment 323
Bernd Lange
Proposal for a regulation
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2 a) The Commission may also consult social partner organisations represented in the undertakings and sectors concerned to collect relevant information.

Or. en

Amendment 324
Gilles Lebreton

Proposal for a regulation
Article 11 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) contain a statement that if the information supplied is incorrect, incomplete or misleading fines and periodic penalty payments provided for in Article 15 could be imposed;

deleted

Or. fr

Amendment 325
Gilles Lebreton

Proposal for a regulation
Article 11 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) contain a statement that, pursuant to Article 14, a lack of cooperation from the undertaking concerned allows the Commission to take a decision on the basis of the facts that are available.

(c) contain a statement that a lack of cooperation from the undertaking concerned or incorrect, incomplete or misleading information allows the Commission to take a decision on the basis of the facts that are available.

Or. fr
Amendment 326
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 11 – paragraph 3 – point c

**Text proposed by the Commission**

(c) contain a statement that, pursuant to Article 14, a lack of cooperation from the undertaking concerned allows the Commission to take a decision on the basis of the facts that are available.

**Amendment**

(c) contain a statement that, pursuant to Article 14, a lack of cooperation from the undertaking concerned requires the Commission to take a decision on the basis of the facts that are available.

Or. en

Amendment 327
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 11 – paragraph 4

**Text proposed by the Commission**

(4) At the request of the Commission, Member States shall provide it with all necessary information to carry out the duties assigned to it by this Regulation.

**Amendment**

(4) At the request of the Commission, Member States and, where applicable, regions shall provide it with all necessary information to carry out the duties assigned to it by this Regulation.

Or. en

Amendment 328
Enikő Győri, Ernő Schaller-Baross

Proposal for a regulation
Article 11 – paragraph 4 a (new)

**Text proposed by the Commission**

(4 a) However, the obligation to provide information to the Commission should in no way jeopardize the essential national security interests of the Member States.

**Amendment**

(4 a) However, the obligation to provide information to the Commission should in no way jeopardize the essential national security interests of the Member States.
Amendment 329
Gilles Lebreton

Proposal for a regulation
Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) However, the obligation to provide information to the Commission should not put at risk the Member States’ essential security interests.

Or. fr

Amendment 330
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

Amendment

(5) The Commission may also request a third country concerned to provide all necessary information.

(5) The Commission shall also request a third country concerned to provide all necessary information.

Or. en

Amendment 331
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Lokkegaard

Proposal for a regulation
Article 11 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(5 a) The Commission shall establish a contact point where Member States and interested parties such as undertakings and trade associations can share information with regard to actual or
potential distortions of the internal market.

Amendment 332
Gilles Lebreton

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

(1) The Commission may conduct the necessary inspections of undertakings.

Amendment

(1) Should the Commission decide that the information provided is inadequate, it shall give the undertaking concerned no less than 30 days from receipt of formal notice to provide the missing elements. If it does not receive a satisfactory response by the deadline, the Commission may conduct the necessary inspections of undertakings.

Amendment 333
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

(1) The Commission may conduct the necessary inspections of undertakings.

Amendment

(1) The Commission shall conduct the necessary inspections of undertakings.

Amendment 334
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 12 – paragraph 1
Text proposed by the Commission

(1) The Commission *may* conduct the necessary inspections of undertakings.

Amendment

(1) The Commission *shall* conduct the necessary inspections of undertakings.

Or. en

Amendment 335
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

(1) The Commission *may* conduct the necessary inspections of undertakings.

Amendment

(1) The Commission *shall* conduct the necessary inspections of undertakings.

Or. en

Amendment 336
Gilles Lebreton

Proposal for a regulation
Article 12 – paragraph 2 – introductory part

Text proposed by the Commission

(2) Where the Commission undertakes such an inspection, the officials authorised by the Commission to conduct an inspection shall be empowered:

Amendment

(2) Where the Commission undertakes such an inspection, the officials authorised by the Commission to conduct an inspection shall be empowered *in accordance with the national law of the Member State in which the undertaking is registered and its premises and land are located*:

Or. fr

Amendment 337
Gilles Lebreton

Proposal for a regulation
Article 12 – paragraph 2 – point d

Text proposed by the Commission

(d) to seal any business premises and books or records for the period and to the extent necessary for the inspection.

Amendment

deleted

Amendment 338
Geert Bourgeois

Proposal for a regulation
Article 12 – paragraph 3 – point a

Text proposed by the Commission

(a) specifying the subject matter and purpose of the inspection;

Amendment

(a) specifying the subject matter and purpose of the inspection;

The subject matter and the scope of the inspection shall be proportionate and include minimum tasks necessary to confirm foreign subsidies and their distortive effect on the internal market.

Or. en

Amendment 339
Gilles Lebreton

Proposal for a regulation
Article 12 – paragraph 3 – point c

Text proposed by the Commission

(c) referring to the possibility to impose fines and penalties provided for in Article 15.

Amendment

deleted

Or. fr

Amendment 340
Gilles Lebreton
Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission

(6) Where officials or other accompanying persons authorised by the Commission find that an undertaking opposes an inspection within the meaning of this Article, the Member State concerned shall provide them with the necessary assistance and shall request, where appropriate, the assistance of the police or of an equivalent enforcement authority so as to enable them to conduct their inspection.

Amendment

(6) Where officials or other accompanying persons authorised by the Commission find that an undertaking opposes an inspection within the meaning of this Article, the Member State concerned may provide them with the necessary assistance, requesting, where appropriate, the assistance of the police or of an equivalent enforcement authority so as to enable them to conduct their inspection.

Or. fr

Amendment 341
Gilles Lebreton

Proposal for a regulation
Article 12 – paragraph 7

Text proposed by the Commission

(7) Upon request of the Commission, a Member State shall in its own territory carry out any inspection or other fact-finding measure under its national law in order to establish whether there is a foreign subsidy distorting the internal market.

Amendment

(7) Upon request of the Commission, a Member State may in its own territory carry out any inspection or other fact-finding measure under its national law in order to establish whether there is a foreign subsidy distorting the internal market.

Or. fr

Amendment 342
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 12 – paragraph 7

Text proposed by the Commission

(7) Upon request of the Commission, a Member State shall in its own territory carry out any inspection or other fact-finding measure under its national law in order to establish whether there is a foreign subsidy distorting the internal market.

Amendment

(7) Upon request of the Commission, a Member State may in its own territory carry out any inspection or other fact-finding measure under its national law in order to establish whether there is a foreign subsidy distorting the internal market.

Or. fr
(7) Upon request of the Commission, a Member State shall in its own territory carry out any inspection or other fact-finding measure under its national law in order to establish whether there is a foreign subsidy distorting the internal market.

Or. en

Amendment 343
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 12 – paragraph 7

Text proposed by the Commission

(7) Upon request of the Commission, a Member State shall in its own territory carry out any inspection or other fact-finding measure under its national law in order to establish whether there is a foreign subsidy distorting the internal market.

Where applicable, the Member State shall involve its regions.

Or. en

Amendment 344
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 12 – paragraph 7 a (new)

Text proposed by the Commission

(7 a) The Commission shall duly inform the Parliament of the former's inspections of undertakings.

Or. en

Amendment 345
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Løkkegaard

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

In order to carry out the duties assigned to it by this Regulation, the Commission may conduct inspections in the territory of a third country, provided that the undertaking concerned has given its consent and the government of the third country has been officially notified and has agreed to the inspection. Article 12(1), (2), and (3) points (a) and (b) shall apply by analogy.

Amendment

In order to carry out the duties assigned to it by this Regulation, the Commission may conduct inspections in the territory of a third country, provided that the government of the third country has been officially notified and has agreed to the inspection. Article 12(1), (2), and (3) points (a) and (b) shall apply by analogy.

Or. en

Amendment 346
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

In order to carry out the duties assigned to it by this Regulation, the Commission may conduct inspections in the territory of a third country, provided that the undertaking concerned has given its consent and the government of the third country has been officially notified and has agreed to the inspection. Article 12(1), (2), and (3) points (a) and (b) shall apply by analogy.

Amendment

In order to carry out the duties assigned to it by this Regulation, the Commission shall conduct inspections in the territory of a third country, provided that the undertaking concerned has given its consent and the government of the third country has been officially notified and has agreed to the inspection. Article 12(1), (2), and (3) points (a) and (b) shall apply by analogy, after the Commission has duly informed the Parliament.

Or. en

Amendment 347
Gilles Lebreton
Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

In order to carry out the duties assigned to it by this Regulation, the Commission may conduct inspections in the territory of a third country, provided that the undertaking concerned has given its consent and the government of the third country has been officially notified and has agreed to the inspection. Article 12(1), (2), and (3) points (a) and (b) shall apply by analogy.

Amendment

In order to carry out the duties assigned to it by this Regulation, the Commission may conduct inspections in the territory of a third country, provided that the undertaking concerned has given its consent and the government of the third country has been officially notified in a timely manner and has expressly agreed to the inspection. Article 12(1), (2), and (3) points (a) and (b) shall apply by analogy.

Or. fr

Amendment 348
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

(1) The Commission may take a decision pursuant to Article 8 or Article 9 on the basis of the facts available, if an undertaking concerned or a third country:

Amendment

(1) The Commission shall take a decision pursuant to Article 8 or may take a decision pursuant to Article 9 on the basis of the facts available, if an undertaking concerned or a third country:

Or. en

Amendment 349
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

(1) The Commission may take a decision pursuant to Article 8 or Article 9 on the basis of the facts available, if an

Amendment

(1) The Commission shall take a decision pursuant to Article 8 or Article 9 on the basis of the facts available, if an
Amendment 350
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

(3) Where an undertaking concerned, including a public undertaking which is directly or indirectly controlled by the State, fails to provide the necessary information to determine whether a financial contribution confers a benefit to it, that undertaking may be deemed to have received such benefit.

Amendment

(3) Where an undertaking concerned, including a public undertaking which is directly or indirectly controlled by the State, fails to provide the necessary information to determine whether a financial contribution confers a benefit to it, that undertaking will be deemed to have received such benefit.

Or. en

Amendment 351
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

(3) Where an undertaking concerned, including a public undertaking which is directly or indirectly controlled by the State, fails to provide the necessary information to determine whether a financial contribution confers a benefit to it, that undertaking may be deemed to have received such benefit.

Amendment

(3) Where an undertaking concerned, including a public undertaking which is directly or indirectly controlled by the State, fails to provide the necessary information to determine whether a financial contribution or the economically equivalent support measure confers a benefit to it, that undertaking may be deemed to have received such benefit.

Or. en
Amendment 352  
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah  

Proposal for a regulation  
Article 14 – paragraph 3  

**Text proposed by the Commission**  
(3) Where an undertaking concerned, including a public undertaking which is directly or indirectly controlled by the State, fails to provide the necessary information to determine whether a financial contribution confers a benefit to it, that undertaking may be deemed to have received such benefit.  

**Amendment**  
(3) Where an undertaking concerned, including a public undertaking which is directly or indirectly controlled by the State, fails to provide the necessary information to determine whether a financial contribution or advantage confers a benefit to it, that undertaking may be deemed to have received such benefit.  

Or. en

Amendment 353  
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro  

Proposal for a regulation  
Article 14 – paragraph 4  

**Text proposed by the Commission**  
(4) When applying facts available, the result of the procedure may be less favourable to the undertaking concerned than if it had cooperated.  

**Amendment**  
(4) When applying facts available, the result of the procedure should be less favourable to the undertaking concerned than if it had cooperated.  

Or. en

Amendment 354  
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah  

Proposal for a regulation  
Article 14 – paragraph 4 a (new)  

**Text proposed by the Commission**  
(4 a) In all cases of non full cooperation, the concerned subsidies shall be considered to have distortive effects and to concern a limited group of  

**Amendment**  
(4 a) In all cases of non full cooperation, the concerned subsidies shall be considered to have distortive effects and to concern a limited group of
Amendment 355
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 15 – paragraph 1 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The Commission <strong>may</strong> impose by decision fines and periodic penalty payments where an undertaking concerned or an association of undertakings, intentionally or negligently:</td>
<td>(1) The Commission <strong>shall</strong> impose by decision fines and periodic penalty payments where an undertaking concerned or an association of undertakings, intentionally or negligently:</td>
</tr>
</tbody>
</table>

Or. en

Amendment 356
Emmanuel Maurel

Proposal for a regulation
Article 15 – paragraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Fines imposed in the cases referred to in paragraph 1 shall not exceed 1 % of the aggregate turnover of the undertaking or association of undertakings concerned in the preceding business year.</td>
<td>(2) Fines imposed in the cases referred to in paragraph 1 shall not exceed 10 % of the aggregate turnover of the undertaking or association of undertakings concerned in the preceding business year.</td>
</tr>
</tbody>
</table>

Or. fr

Amendment 357
Catharina Rinzema, Marie-Pierre Vedrenne, Urmas Paet, Samira Rafaela

Proposal for a regulation
Article 15 – paragraph 2
Amendment 358
Emmanuel Maurel

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

(2) Fines imposed in the cases referred to in paragraph 1 shall not exceed 1% of the aggregate turnover of the undertaking or association of undertakings concerned in the preceding business year.

Amendment

(2) Fines imposed in the cases referred to in paragraph 1 shall not exceed 5% of the aggregate turnover of the undertaking or association of undertakings concerned in the preceding business year.

Or. en

Amendment 359
Catharina Rinzema, Marie-Pierre Vedrenne, Urmas Paet, Samira Rafaela

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

(3) Periodic penalty payments imposed in the cases referred to in paragraph 1 shall not exceed 5% of the average daily aggregate turnover of the undertaking or association of undertakings concerned in the preceding business year for each working day of delay, calculated from the date established in the decision, until it submits complete and correct information as requested by the Commission.

Amendment

(3) Periodic penalty payments imposed in the cases referred to in paragraph 1 shall not exceed 15% of the average daily aggregate turnover of the undertaking or association of undertakings concerned in the preceding business year for each working day of delay, calculated from the date established in the decision, until it submits complete and correct information as requested by the Commission.

Or. fr
date established in the decision, until it submits complete and correct information as requested by the Commission.

Amendment 360
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 15 – paragraph 5 – introductory part

Text proposed by the Commission

(5) Where an undertaking concerned does not comply with a decision with commitments pursuant to Article 9(3), a decision ordering interim measures pursuant to Article 10 or a decision imposing redressive measures pursuant to Article 9(2), the Commission may impose by decision:

Amendment

(5) Where an undertaking concerned does not comply with a decision with commitments pursuant to Article 9(3), a decision ordering interim measures pursuant to Article 10 or a decision imposing redressive measures pursuant to Article 9(2), the Commission shall impose by decision:

Amendment 361
Catharina Rinzema, Marie-Pierre Vedrenne, Urmas Paet, Samira Rafaela

Proposal for a regulation
Article 15 – paragraph 5 – point b

Text proposed by the Commission

(b) periodic penalty payments not exceeding 5% of the average daily aggregate turnover of the undertaking concerned in the preceding business year for each day of non-compliance, starting from the day of the Commission decision imposing such penalty payments, until the Commission finds that the undertaking concerned complies with the decision.

Amendment

(b) periodic penalty payments not exceeding 10% of the average daily aggregate turnover of the undertaking concerned in the preceding business year for each day of non-compliance, starting from the day of the Commission decision imposing such penalty payments, until the Commission finds that the undertaking concerned complies with the decision.
Amendment 362
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 15 – paragraph 6 a (new)

Text proposed by the Commission

(6 a) The Commission may consult the Member States concerned as well as Union industries affected, in order to assess whether a fine or periodic penalty payment -or a combination of both- is an appropriate measure.

Or. en

Amendment 363
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

The Commission may revoke a decision taken pursuant to Article 9(2), (3) or (4) and adopt a new decision in any of the following cases:

Amendment

The Commission shall revoke a decision taken pursuant to Article 9(2), (3) or (4) and adopt a new decision where the undertaking concerned acts contrary to its commitments or the redressive measures imposed. The Commission may revoke a decision taken pursuant to Article 9(2), (3) or (4) and adopt a new decision where the decision was based on incomplete, incorrect or misleading information.

Or. en

Amendment 364
Reinhard Bütikofer

Proposal for a regulation
Article 16 – paragraph 1 – point 1
Text proposed by the Commission

(1) where the undertaking concerned acts contrary to its commitments or the redressive measures imposed; deleted

Or. en

Amendment 365
Reinhard Bütikofer

Proposal for a regulation
Article 16 – paragraph 1 – point 2

Text proposed by the Commission

(2) where the decision was based on incomplete, incorrect or misleading information. deleted

Or. en

Amendment 366
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

In a concentration, the assessment whether there is a distortion on the internal market within the meaning of Articles 3 or 4 shall be limited to the concentration at stake. Only foreign subsidies granted in the three calendar years prior to the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest shall be considered in the assessment.

Amendment

In a concentration, the assessment whether there is a distortion on the internal market within the meaning of Articles 3 or 4 shall be limited to the concentration at stake. Only foreign subsidies granted in the three calendar years prior to the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest or known future subsidies that have been approved by the authorities concerned of the third country, and will become effective within one year following the concentration, shall be considered in the assessment.
Amendment 367
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Løkkegaard

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

In a concentration, the assessment whether there is a distortion on the internal market within the meaning of Articles 3 or 4 shall be limited to the concentration at stake. Only foreign subsidies granted in the three calendar years prior to the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest shall be considered in the assessment.

Amendment

In a concentration, the assessment whether there is a distortion on the internal market within the meaning of Articles 3 or 4 shall be limited to the concentration at stake. Only foreign subsidies granted in the three calendar years prior to the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest, or known subsidies that have already been established and shall become effective following the concentration, shall be considered in the assessment.

Amendment 368
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques

Proposal for a regulation
Article 18 – paragraph 3 – point a

Text proposed by the Commission

(a) the acquired undertaking or at least one of the merging undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 500 million; and

Amendment

(a) the acquired undertaking or at least one of the merging undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 250 million; and

Amendment 369
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 18 – paragraph 3 – point a

Text proposed by the Commission

(a) the acquired undertaking or at least one of the merging undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 500 million; and

Amendment

(a) the acquired undertaking or at least one of the merging undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 250 million; and

Or. en

Amendment 370
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 18 – paragraph 3 – point a

Text proposed by the Commission

(a) the acquired undertaking or at least one of the merging undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 500 million; and

Amendment

(a) the acquired undertaking or at least one of the merging undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 250 million; and

Or. en

Amendment 371
José Manuel García-Margallo y Marfil

Proposal for a regulation
Article 18 – paragraph 3 – point a

Text proposed by the Commission

(a) the acquired undertaking or at least one of the merging undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 500 million; and

Amendment

(a) the acquired undertaking or at least one of the merging undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 250 million; and
Amendment 372
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 18 – paragraph 3 – point a

Text proposed by the Commission

(a) the acquired undertaking or at least one of the merging undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 500 million; and

Amendment

(a) the acquired undertaking or at least one of the merging undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 500 million or represents 10% of the sector revenue in a Member State; and

Or. en

Amendment 373
Massimiliano Salini

Proposal for a regulation
Article 18 – paragraph 3 – point a

Text proposed by the Commission

(a) the acquired undertaking or at least one of the merging undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 500 million; and

Amendment

(a) the acquired undertaking or at least one of the merging undertakings is established in the Union and each generates an aggregate turnover in the Union of at least EUR 500 million; and

Or. en

Amendment 374
Emmanuel Maurel

Proposal for a regulation
Article 18 – paragraph 3 – point b

Text proposed by the Commission

(b) the undertakings concerned received from third countries an aggregate

Amendment

(b) the undertakings concerned received from third countries an aggregate
financial contribution in the three calendar years prior to notification of more than EUR 50 million.

Amendment 375
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 18 – paragraph 3 – point b

Text proposed by the Commission

(b) the undertakings concerned received from third countries an aggregate financial contribution in the three calendar years prior to notification of more than EUR 50 million.

Or. fr

Amendment

(b) the undertakings concerned received from third countries an aggregate financial contribution in the three calendar years prior to notification of more than EUR 25 million.

Or. en

Amendment 376
Massimiliano Salini, Iuliu Winkler, Arnaud Danjean

Proposal for a regulation
Article 18 – paragraph 3 – point b

Text proposed by the Commission

(b) the undertakings concerned received from third countries an aggregate financial contribution in the three calendar years prior to notification of more than EUR 50 million.

Or. en

Amendment

(b) all the undertakings concerned received from third countries an aggregate financial contribution in the three calendar years prior to notification of more than EUR 50 million.

Or. en

Amendment 377
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 18 – paragraph 3 – point b
Text proposed by the Commission

(b) the undertakings concerned received from third countries an aggregate financial contribution in the three calendar years prior to notification of more than EUR 50 million.

Amendment

(b) the undertakings concerned received from third countries an aggregate financial contribution in the three calendar years prior to notification of more than EUR 50 million or equal to 1% of the sector revenue in a Member State.

Or. en

Amendment 378
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 18 – paragraph 3 – point b

Text proposed by the Commission

(b) the undertakings concerned received from third countries an aggregate financial contribution in the three calendar years prior to notification of more than EUR 50 million.

Amendment

(b) the undertakings concerned received aggregate foreign subsidies in the three calendar years prior to notification of more than EUR 50 million.

Or. en

Amendment 379
Emmanuel Maurel

Proposal for a regulation
Article 18 – paragraph 4 – point a

Text proposed by the Commission

(a) the joint venture itself or one of its parent undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 500 million; and

Amendment

(a) the joint venture itself or one of its parent undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 100 million; and

Or. fr
Amendment 380
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 18 – paragraph 4 – point a

Text proposed by the Commission
(a) the joint venture itself or one of its parent undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR \textbf{500} million; and

Amendment
(a) the joint venture itself or one of its parent undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR \textbf{250} million; and

Or. en

Amendment 381
José Manuel García-Margallo y Marfil

Proposal for a regulation
Article 18 – paragraph 4 – point a

Text proposed by the Commission
(a) the joint venture itself or one of its parent undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR \textbf{500} million; and

Amendment
(a) the joint venture itself or one of its parent undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR \textbf{250} million; and

Or. es

Amendment 382
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 18 – paragraph 4 – point a

Text proposed by the Commission
(a) the joint venture itself or one of its parent undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR \textbf{500} million; and

Amendment
(a) the joint venture itself or one of its parent undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR \textbf{250} million; and
Amendment 383
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 18 – paragraph 4 – point a

Text proposed by the Commission

(a) the joint venture itself or one of its parent undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 500 million; and

Amendment

(a) the joint venture is contemplated to be active in the Union and the joint venture itself or one of its parent undertakings generates an aggregate turnover in the Union of at least EUR 500 million; and

Amendment 384
Emmanuel Maurel

Proposal for a regulation
Article 18 – paragraph 4 – point a a (new)

Text proposed by the Commission

(aa) the joint venture itself or one of its parent undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 250 million; and

Amendment

(b) the joint venture itself and its parent undertakings received from third countries

Amendment 385
Emmanuel Maurel

Proposal for a regulation
Article 18 – paragraph 4 – point b

Text proposed by the Commission

(b) the joint venture itself and its parent undertakings received from third countries

Amendment

(b) the joint venture itself and its parent undertakings received from third countries
an aggregate financial contribution in the three calendar years prior to notification of more than EUR 50 million.

Or. fr

Amendment 386
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 18 – paragraph 4 – point b

Text proposed by the Commission

(b) the joint venture itself and its parent undertakings received from third countries an aggregate financial contribution in the three calendar years prior to notification of more than EUR 50 million.

Amendment

(b) the joint venture itself and its parent undertakings received from third countries an aggregate financial contribution in the three calendar years prior to notification of more than EUR 25 million.

Or. en

Amendment 387
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 18 – paragraph 4 – point b

Text proposed by the Commission

(b) the joint venture itself and its parent undertakings received from third countries an aggregate financial contribution in the three calendar years prior to notification of more than EUR 50 million.

Amendment

(b) the joint venture itself and its parent undertakings received aggregate foreign subsidies in the three calendar years prior to notification of more than EUR 50 million.

Or. en

Amendment 388
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela

Proposal for a regulation
Article 19 – paragraph 4
(4) If the undertakings concerned fail to meet their obligation to notify, the Commission may review a notifiable concentration in accordance with this Regulation by requesting the notification of that concentration. In that case the Commission shall not be bound by the time limits referred to in Article 23(1) and (4).

Amendment 389
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 19 – paragraph 4

Text proposed by the Commission

(4) If the undertakings concerned fail to meet their obligation to notify, the Commission may review a notifiable concentration in accordance with this Regulation by requesting the notification of that concentration. In that case the Commission shall not be bound by the time limits referred to in Article 23(1) and (4).

Amendment

(4) If the undertakings concerned fail to meet their obligation to notify, the Commission shall review a notifiable concentration in accordance with this Regulation by requesting the notification of that concentration. In that case the Commission shall not be bound by the time limits referred to in Article 23(1) and (4).

Amendment 390
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 19 – paragraph 4

Text proposed by the Commission

(4) If the undertakings concerned fail to meet their obligation to notify, the Commission may review a notifiable concentration in accordance with this Regulation by requesting the notification of that concentration. In that case the Commission shall not be bound by the time limits referred to in Article 23(1) and (4).

Amendment

(4) If the undertakings concerned fail to meet their obligation to notify, the Commission shall review a notifiable concentration in accordance with this Regulation by requesting the notification of that concentration. In that case the Commission shall not be bound by the time limits referred to in Article 23(1) and (4).
Regulation by requesting the notification of that concentration. In that case the Commission shall not be bound by the time limits referred to in Article 23(1) and (4).

Amendment 391
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 19 – paragraph 5

**Text proposed by the Commission**

(5) The Commission may request the prior notification of any concentration which is not a notifiable concentration within the meaning of Article 18 at any time prior to its implementation where the Commission suspects that the undertakings concerned may have benefitted from foreign subsidies in the three years prior to the concentration. That concentration shall be deemed to be a notifiable concentration for the purposes of this Regulation.

**Amendment**

deleted

Or. en

Amendment 392
Massimiliano Salini, Iuliu Winkler

Proposal for a regulation
Article 19 – paragraph 5

**Text proposed by the Commission**

(5) The Commission may request the prior notification of any concentration which is not a notifiable concentration within the meaning of Article 18 at any time prior to its implementation where the Commission suspects that the undertakings concerned may have benefitted from foreign subsidies in the three years prior to

**Amendment**

(5) The Commission may request the prior notification of any concentration which is not a notifiable concentration within the meaning of Article 18 at any time prior to its implementation where the Commission suspects that the undertakings concerned may have benefitted from foreign subsidies in the five years prior to
the concentration. That concentration shall be deemed to be a notifiable concentration for the purposes of this Regulation.

The Commission shall publish the instructions on the requirements that must be met in order to receive such a notification by the date of application of this Regulation.

Amendment 393
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques

Proposal for a regulation
Article 19 – paragraph 5

Text proposed by the Commission

(5) The Commission may request the prior notification of any concentration which is not a notifiable concentration within the meaning of Article 18 at any time prior to its implementation where the Commission suspects that the undertakings concerned may have benefitted from foreign subsidies in the three years prior to the concentration. That concentration shall be deemed to be a notifiable concentration for the purposes of this Regulation.

Amendment

(5) The Commission may request the prior notification of any concentration which is not a notifiable concentration within the meaning of Article 18 at any time prior to its implementation where the Commission suspects that the undertakings concerned may have benefitted from foreign subsidies in the three years prior to the concentration or an undertaking will benefit from future subsidies that have been approved and will become effective within one year following the concentration. That concentration shall be deemed to be a notifiable concentration for the purposes of this Regulation.

Or. en

Amendment 394
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Løkkegaard

Proposal for a regulation
Article 19 – paragraph 5

Text proposed by the Commission

(5) The Commission may request the

Amendment

(5) The Commission may request the
prior notification of any concentration which is not a notifiable concentration within the meaning of Article 18 at any time prior to its implementation where the Commission suspects that the undertakings concerned may have benefitted from foreign subsidies in the three years prior to the concentration. That concentration shall be deemed to be a notifiable concentration for the purposes of this Regulation.

Amendment 395
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 19 – paragraph 5

Text proposed by the Commission
(5) The Commission may request the prior notification of any concentration which is not a notifiable concentration within the meaning of Article 18 at any time prior to its implementation where the Commission suspects that the undertakings concerned may have benefitted from foreign subsidies in the three years prior to the concentration. That concentration shall be deemed to be a notifiable concentration for the purposes of this Regulation.

Amendment
(5) The Commission shall request the prior notification of any concentration which is not a notifiable concentration within the meaning of Article 18 at any time prior to its implementation where the Commission suspects that the undertakings concerned may have benefitted from foreign subsidies in the three years prior to the concentration. That concentration shall be deemed to be a notifiable concentration for the purposes of this Regulation.

Or. en

Amendment 396
Daniel Caspary

Proposal for a regulation
Article 19 – paragraph 5

Or. en
(5) The Commission may request the prior notification of any concentration which is not a notifiable concentration within the meaning of Article 18 at any time prior to its implementation where the Commission suspects that the undertakings concerned may have benefitted from foreign subsidies in the three years prior to the concentration. That concentration shall be deemed to be a notifiable concentration for the purposes of this Regulation.

Amendment 397
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 22 – title

Text proposed by the Commission

Amendment

Aggregation of *financial contributions*  

Aggregation of *foreign subsidies*  

Or. en

Amendment 398
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 22 – title

Text proposed by the Commission

Amendment

Aggregation of *financial contributions*  

Aggregation of *foreign subsidies*  

Or. en

Amendment 399
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah
Proposal for a regulation
Article 22 – paragraph 1

*Text proposed by the Commission*

The aggregate financial contribution to an undertaking concerned shall be calculated by adding together the respective financial contributions received from third countries by all undertakings referred to in Article 21(4), points (a) to (e).

*Amendment*

The aggregate foreign subsidies to an undertaking concerned shall be calculated by adding together the respective foreign subsidies received from third countries by all undertakings referred to in Article 21(4), points (a) to (e).

Or. en

**Amendment 400**

Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 22 – paragraph 1

*Text proposed by the Commission*

The aggregate financial contribution to an undertaking concerned shall be calculated by adding together the respective financial contributions received from third countries by all undertakings referred to in Article 21(4), points (a) to (e).

*Amendment*

The aggregate foreign subsidy to an undertaking concerned shall be calculated by adding together the respective foreign subsidy received from third countries by all undertakings referred to in Article 21(4), points (a) to (e).

Or. en

**Amendment 401**

Carles Puigdemont i Casamajó

Proposal for a regulation
Article 23 – paragraph 3

*Text proposed by the Commission*

(3) The Commission may, upon request, grant a derogation from the obligations laid down in paragraphs 1 or 2. The request to grant a derogation shall state the grounds for the derogation. In deciding on the request, the Commission shall take

*Amendment*

(3) The Commission shall, upon request, grant a derogation from the obligations laid down in paragraphs 1 or 2. The request to grant a derogation shall state the grounds for the derogation. In deciding on the request, the Commission shall take
into account in particular the effects of the suspension on one or more undertakings concerned by the concentration or on a third party and the risk of a distortion on the internal market posed by the concentration. Such a derogation may be granted subject to certain conditions and obligations in order to ensure that there is no distortion on the internal market. A derogation may be applied for and granted at any time, either before notification or after the transaction.

Amendment 402
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 23 – paragraph 6 – introductory part

Text proposed by the Commission

(6) The Commission may adopt a decision pursuant to Article 24(3) without being bound by the time limits referred to in paragraphs 1 and 4, in cases where:

Amendment

(6) The Commission shall adopt a decision pursuant to Article 24(3) without being bound by the time limits referred to in paragraphs 1 and 4, in cases where:

Amendment 403
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 23 – paragraph 6 a (new)

Text proposed by the Commission

(6 a) The Commission shall duly inform the Parliament regarding this decision.

Amendment

(6 a) The Commission shall duly inform the Parliament regarding this decision.

Amendment 404
Geert Bourgeois

Proposal for a regulation
Article 24 – paragraph 2

Text proposed by the Commission

(2) The Commission may initiate an in-depth investigation under Article 8(2) no later than 25 working days after receipt of the complete notification.

Amendment

(2) The Commission may initiate an in-depth investigation under Article 8(2) no later than 25 working days after receipt of the complete notification and shall publish a notice of formal investigation in the Official Journal of the European Union, which invites interested parties, Member States and the third country concerned to express their views in writing within a prescribed period of time. The interested parties which have made themselves known shall be heard if they have, within the period prescribed in the notice published in the Official Journal of the European Union, made a written request for a hearing showing that they are an interested party likely to be affected by the result of the proceedings and that there are particular reasons why they should be heard.

Amendment 405
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 24 – paragraph 2

Text proposed by the Commission

(2) The Commission may initiate an in-depth investigation under Article 8(2) no later than 25 working days after receipt of the complete notification.

Amendment

(2) The Commission may initiate an in-depth investigation under Article 8(2) no later than 25 working days after receipt of the complete notification, and shall publish a notice of initiation in the Official Journal of the European Union, which invites interested parties, Member States and the third country concerned to express their views in writing within a prescribed period of time. The interested
parties which have made themselves known, shall be heard within the period prescribed in the latter published notice, making a written request for a hearing and showing that they are an interested party likely to be affected by the result of the proceedings. Opportunities shall, on request, be provided to interested parties so that opposing views may be presented and rebuttal arguments offered.

Amendment 406
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 24 – paragraph 2

Text proposed by the Commission

(2) The Commission may initiate an in-depth investigation under Article 8(2) no later than 25 working days after receipt of the complete notification.

Amendment

(2) The Commission shall initiate an in-depth investigation under Article 8(2) no later than 25 working days after receipt of the complete notification and duly inform the Parliament.

Amendment 407
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 24 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

The Commission shall publish notification of the in-depth investigation in the Official Journal of the European Union and invite interested parties, including Member States and third countries, to submit any relevant information in writing within a fixed timeframe.
Amendment 408
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 24 – paragraph 6 – introductory part

Text proposed by the Commission

(6) The Commission may, where it finds that a concentration has already been implemented and that concentration has been found to distort the internal market pursuant to Articles 3 to 5 adopt one of the following measures:

Amendment

(6) The Commission shall, where it finds that a concentration has already been implemented and that concentration has been found to distort the internal market pursuant to Articles 3 to 5 adopt one of the following measures:

Or. en

Amendment 409
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 24 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The Commission may adopt any of the measures referred to in points (a) or (b) where it finds that a concentration has been implemented in breach of a decision taken pursuant to paragraph (3), point (a), which has found that, in the absence of the commitments, the concentration would fulfil the criterion laid down in paragraph 3, point (c).

Amendment

The Commission shall adopt any of the measures referred to in points (a) or (b) where it finds that a concentration has been implemented in breach of a decision taken pursuant to paragraph (3), point (a), which has found that, in the absence of the commitments, the concentration would fulfil the criterion laid down in paragraph 3, point (c).

Or. en

Amendment 410
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 24 – paragraph 7 – introductory part
(7) The Commission may order interim measures referred to in Article 10 also where:

Amendment

The Commission shall order interim measures referred to in Article 10 also where:

Or. en

Amendment 411
Gilles Lebreton

Proposal for a regulation
Article 25

Text proposed by the Commission deleted

Article 25

Fines and periodic penalty payments applicable to concentrations

(1) The Commission may impose fines and periodic penalty payments as set out in Article 15.

(2) In addition, the Commission may impose by decision on undertakings concerned fines not exceeding 1 % of their aggregate turnover in the preceding business year where they, intentionally or negligently, supply incorrect or misleading information in a notification pursuant to Article 19 or supplement thereto.

(3) The Commission may impose by decision on undertakings concerned fines not exceeding 10 % of their aggregate turnover in the preceding business year where they, intentionally or negligently:

(a) fail to notify a notifiable concentration in accordance with Article 19 prior to its implementation, unless they are expressly authorised to do so by Article 23;

(b) implement a notified concentration in breach of Article 23;

(c) implement a notified concentration prohibited in accordance with Article 24(3), point (c).
Amendment 412
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission
(1) The Commission may impose fines and periodic penalty payments as set out in Article 15.

Amendment
(1) The Commission may impose fines and periodic penalty payments as set out in Article 15 and shall duly inform the Parliament.

Or. en

Amendment 413
Massimiliano Salini, Iuliu Winkler

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission
(2) In addition, the Commission may impose by decision on undertakings concerned fines not exceeding 1 % of their aggregate turnover in the preceding business year where they, intentionally or negligently, supply incorrect or misleading information in a notification pursuant to Article 19 or supplement thereto.

Amendment
(2) In addition, the Commission may impose by decision on undertakings concerned fines not exceeding 1 % of the aggregate turnover produced by the undertaking concerned in the preceding business year where they, intentionally or negligently, supply incorrect or misleading information in a notification pursuant to Article 19 or supplement thereto.

Or. en

Amendment 414
Massimiliano Salini, Iuliu Winkler

Proposal for a regulation
Article 25 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

EN
(3) The Commission may impose by decision on undertakings concerned fines not exceeding 10% of their aggregate turnover in the preceding business year where they, intentionally or negligently: 

Foreign subsidies that cause or risk causing a distortion in a public procurement procedure shall be understood as foreign subsidies that enable an undertaking to submit a tender that is unduly advantageous in relation to the works, supplies or services concerned. The assessment of whether there is a distortion on the internal market pursuant to Article 3 and whether a tender is unduly advantageous in relation to the works, supplies or services concerned shall be limited to the public procurement procedure at stake. Only foreign subsidies granted during the three years prior to the notification shall be taken into account in the assessment.

Or. en

Amendment 415
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

Foreign subsidies that cause or risk causing a distortion in a public procurement procedure shall be understood as foreign subsidies that enable an undertaking to submit a tender that is unduly advantageous in relation to the works, supplies or services concerned. The assessment of whether there is a distortion on the internal market pursuant to Article 3 and whether a tender is unduly advantageous in relation to the works, supplies or services concerned shall be limited to the public procurement procedure at stake. Only foreign subsidies granted during the three years prior to the notification shall be taken into account in the assessment.

Or. en

Amendment 416
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Løkkegaard
Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

Foreign subsidies that cause or risk causing a distortion in a public procurement procedure shall be understood as foreign subsidies that enable an undertaking to submit a tender that is unduly advantageous in relation to the works, supplies or services concerned. The assessment of whether there is a distortion on the internal market pursuant to Article 3 and whether a tender is unduly advantageous in relation to the works, supplies or services concerned shall be limited to the public procurement procedure at stake. Only foreign subsidies granted during the three years prior to the notification shall be taken into account in the assessment.

Amendment

Foreign subsidies that cause or risk causing a distortion in a public procurement procedure shall be understood as foreign subsidies that enable an undertaking to submit a tender that is unduly advantageous in relation to the works, supplies or services concerned. The assessment of whether there is a distortion on the internal market pursuant to Article 3 and whether a tender is unduly advantageous in relation to the works, supplies or services concerned shall be limited to the public procurement procedure at stake. Only foreign subsidies granted during the three years prior to the notification or known subsidies that have already been established and shall become effective following the procurement procedure shall be taken into account in the assessment.

Or. en

Amendment 417
Massimiliano Salini, Iuliu Winkler

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

Foreign subsidies that cause or risk causing a distortion in a public procurement procedure shall be understood as foreign subsidies that enable an undertaking to submit a tender that is unduly advantageous in relation to the works, supplies or services concerned. The assessment of whether there is a distortion on the internal market pursuant to Article 3 and whether a tender is unduly advantageous in relation to the works, supplies or services concerned shall be

Amendment

Foreign subsidies that cause or risk causing a distortion in a public procurement procedure shall be understood as foreign subsidies that enable an undertaking to submit a tender that is unduly advantageous in relation to the works, supplies or services concerned. The assessment of whether there is a distortion on the internal market pursuant to Article 3 and whether a tender is unduly advantageous in relation to the works, supplies or services concerned shall be
limited to the public procurement
procedure at stake. Only foreign subsidies
granted during the three years prior to the
notification shall be taken into account in
the assessment.

limited to the public procurement
procedure at stake. Only foreign subsidies
granted during the five years prior to the
notification shall be taken into account in
the assessment.

Amendment 418
Enikő Győri, Ernő Schaller-Baross

Proposal for a regulation
Article 27 – paragraph 1 – point c

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) procedures for the award of contracts referred to in Article 10(4), point (a) of Directive 2014/23/EU, Article 9(1), point (a) of Directive 2014/24/EU and Article 20(1) point (a) of Directive 2014/25/EU.</td>
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</table>

Amendment 419
José Manuel García-Margallo y Marfil

Proposal for a regulation
Article 27 – paragraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 250 million.</td>
<td>(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 50 million.</td>
</tr>
</tbody>
</table>

Amendment 420
Emmanuel Maurel
Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 250 million.

Amendment

(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 100 million.

Or. fr

Amendment 421
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 250 million.

Amendment

(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 125 million for public works or infrastructures, and EUR 50 million for services.

Or. en

Amendment 422
Catharina Rinzema, Marie-Pierre Vedrenne, Urmas Paet, Samira Rafaela

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 250 million.

Amendment

(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 125 million for public works or infrastructures, and EUR 50 million for services.
value of that public procurement is equal or greater than EUR 250 million.

value of that public procurement is equal or greater than EUR 150 million for goods and services and EUR 250 million for public works.

Or. en

Amendment 423
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 250 million.

Amendment

(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 125 million. The notification procedure should apply to critical infrastructure without regard to the threshold.

Or. en

Amendment 424
Arnaud Danjean, Massimiliano Salini

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 250 million.

Amendment

(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 150 million.

Or. en
Amendment 425
Massimiliano Salini, Iuliu Winkler

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 250 million.

Amendment

(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement, calculated in accordance with the provisions laid down in Article 5 of Directive 2014/24/EU and Article 16 of Directive 2014/25/EU, is equal or greater than EUR 250 million.

Or. en

Amendment 426
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 250 million.

Amendment

(2) For the purpose of Article 28, notifiable foreign subsidies in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 250 million.

Or. en

Amendment 427
Reinhard Büfikober
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 27 – paragraph 2 a (new)
(2 a) For the purposes of Article 28, critical infrastructure means an asset, system or part thereof located in Member States which is essential for the maintenance of vital societal functions, health, safety, security, economic or social well-being of people, and the disruption or destruction of which would have a significant impact in a Member State as a result of the failure to maintain those functions.

Amendment 428
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 28 – title

Text proposed by the Commission

Prior notification of foreign financial contributions in the context of public procurement procedures

Amendment

Prior notification of foreign subsidies in the context of public procurement procedures

Or. en

Amendment 429
Enikő Győri, Ernő Schaller-Baross

Proposal for a regulation
Article 28 – paragraph 1

Text proposed by the Commission

(1) When submitting a tender or a request to participate in a public procurement procedure, undertakings shall either notify to the contracting authority or the contracting entity all foreign financial contributions received in the three years preceding that notification or confirm in a declaration that they did not receive any

Amendment

(1) When submitting a tender or a request to participate in a public procurement procedure, undertakings shall either notify to the contracting authority or the contracting entity foreign financial contributions received in the three years, the total amount of which exceeds EUR 5 million, preceding that notification or
foreign financial contributions in the last three years. Undertakings which do not submit such information or declaration shall not be awarded the contract.

confirm in a declaration that they did not receive foreign financial contributions equaling to such amount in the last three years. Undertakings which do not submit such information or declaration shall not be awarded the contract.

Or. en

Amendment 430
Geert Bourgeois

Proposal for a regulation
Article 28 – paragraph 1

Text proposed by the Commission

(1) When submitting a tender or a request to participate in a public procurement procedure, undertakings shall either notify to the contracting authority or the contracting entity all foreign financial contributions received in the three years preceding that notification or confirm in a declaration that they did not receive any foreign financial contributions in the last three years. Undertakings which do not submit such information or declaration shall not be awarded the contract.

Amendment

(1) When submitting a tender or a request to participate in a public procurement procedure, undertakings, main subcontractors and main suppliers shall either notify to the contracting authority or the contracting entity all foreign financial contributions received in the three years preceding that notification or confirm in a declaration that they did not receive any foreign financial contributions in the last three years. Undertakings which do not submit such information or declaration shall not be awarded the contract. Any subcontractor or main supplier selected or known after submitting a tender or a request to participate in a public procurement procedure shall notify foreign subsidies according to the first sentence without undue delay after their selection.

Or. en

Amendment 431
Massimiliano Salini, Iuliu Winkler

Proposal for a regulation
Article 28 – paragraph 1
(1) When submitting a tender or a request to participate in a public procurement procedure, undertakings shall either notify to the contracting authority or the contracting entity all foreign financial contributions received in the three years preceding that notification or confirm in a declaration that they did not receive any foreign financial contributions in the last three years. Undertakings which do not submit such information or declaration shall not be awarded the contract.

Amendment

(1) When submitting a tender or a request to participate in a public procurement procedure, undertakings shall either notify to the contracting authority or the contracting entity all foreign financial contributions received in the three calendar years preceding that notification or confirm in a declaration that they did not receive any foreign financial contributions in the last three calendar years. A calendar year begins on January 1st and finishes on December 31st of the same year, and corresponds to the criterion to assess the validity of the declaration notified by the undertaking. Undertakings which do not submit such information or declaration shall not be awarded the contract.

Or. en

**Amendment 432**
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

**Proposal for a regulation**
**Article 28 – paragraph 1**

**Text proposed by the Commission**

(1) When submitting a tender or a request to participate in a public procurement procedure, undertakings shall either notify to the contracting authority or the contracting entity all foreign financial contributions received in the three years preceding that notification or confirm in a declaration that they did not receive any foreign financial contributions in the last three years. Undertakings which do not submit such information or declaration shall not be awarded the contract.

**Amendment**

(1) When submitting a request to participate in a public procurement procedure, undertakings shall either notify to the contracting authority or the contracting entity all foreign subsidies received in the three years preceding that notification or confirm in a declaration that they did not receive any foreign subsidies in the last three years. Undertakings which do not submit such information or declaration shall not be awarded the contract. The notification must take place when submitting a request for prequalification for public procurement procedures which include a prequalification stage before the tendering phase.
Amendment 433
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques

Proposal for a regulation
Article 28 – paragraph 1

Text proposed by the Commission

(1) When submitting a tender or a request to participate in a public procurement procedure, undertakings shall either notify to the contracting authority or the contracting entity all foreign financial contributions received in the three years preceding that notification or confirm in a declaration that they did not receive any foreign financial contributions in the last three years. Undertakings which do not submit such information or declaration shall not be awarded the contract.

Amendment

(1) When submitting a tender or a request to participate in a public procurement procedure, undertakings shall either notify to the contracting authority or the contracting entity all foreign financial contributions, including that of parent companies, received or pending in the three years preceding that notification or confirm in a declaration that they did not receive any foreign financial contributions in the last three years. Undertakings which do not submit such information or declaration shall not be awarded the contract.

Amendment 434
Massimiliano Salini, Iuliu Winkler

Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

(2) The obligation to notify foreign financial contributions under this paragraph shall extend to economic operators, groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, main subcontractors and main suppliers. A subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the

Amendment

(2) The obligation to notify foreign financial contributions under this paragraph shall extend to economic operators, groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, main subcontractors and main suppliers. A subcontractor or supplier shall be deemed to be main where the economic share of their contribution exceeds 30% of
contract performance and in any case where the economic share of their contribution exceeds 30% of the estimated value of the contract.

Amendment 435
Catharina Rinzema, Marie-Pierre Vedrenne, Urmas Paet, Samira Rafaela

Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission
(2) The obligation to notify foreign financial contributions under this paragraph shall extend to economic operators, groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, main subcontractors and main suppliers. A subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 30% of the estimated value of the contract.

Amendment
(2) The obligation to notify foreign financial contributions under this paragraph shall extend to economic operators, groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, main subcontractors and main suppliers. A subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 15% of the estimated value of the contract.

Amendment 436
José Manuel García-Margallo y Marfil

Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission
(2) The obligation to notify foreign financial contributions under this paragraph shall extend to economic operators, groups of economic operators referred to in Article 26(2) of Directive

Amendment
(2) The obligation to notify foreign financial contributions under this paragraph shall extend to economic operators, groups of economic operators referred to in Article 26(2) of Directive
2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, main subcontractors and main suppliers. A subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 30% of the estimated value of the contract.

2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, main subcontractors and main suppliers. A subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 15% of the estimated value of the contract.

Amendment 437
Emmanuel Maurel

Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

(2) The obligation to notify foreign financial contributions under this paragraph shall extend to economic operators, groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, main subcontractors and main suppliers. A subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 30% of the estimated value of the contract.

Amendment

(2) The obligation to notify foreign financial contributions under this paragraph shall extend to economic operators, groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, main subcontractors and main suppliers. A subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 20% of the estimated value of the contract.

A parent undertaking or subsidiaries of tenderers shall be deemed to provide support where the assets or services provided ensure key elements of contract performance and/or provide the technical and financial capacity referred to in the request to participate and where the economic share of their contribution exceeds 20% of the estimated value of the contract.
Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

(2) The obligation to notify foreign financial contributions under this paragraph shall extend to economic operators, groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, main subcontractors and main suppliers. A subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 30% of the estimated value of the contract.

Amendment

(2) The obligation to notify foreign financial contributions under this paragraph shall extend to economic operators, groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, main subcontractors and main suppliers. A subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 20% of the estimated value of the contract.

Amendment 439
Enikő Győri, Ernő Schaller-Baross

Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

(2) The obligation to notify foreign financial contributions under this paragraph shall extend to economic operators, groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, main subcontractors and main suppliers. A subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 30% of the estimated value of the contract.

Amendment

(2) The obligation to notify foreign financial contributions under this paragraph shall extend to economic operators and groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU. This obligation shall also extend to those main subcontractors and main suppliers that are
participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 30% of the estimated value of the contract.

known at the time of tendering. A subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 30% of the estimated value of the contract.

Amendment 440
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah
Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

(2) The obligation to notify foreign financial contributions under this paragraph shall extend to economic operators, groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, main subcontractors and main suppliers. A subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 30% of the estimated value of the contract.

Amendment

(2) The obligation to notify foreign subsidies under this paragraph shall extend to economic operators, groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, main subcontractors and main suppliers. A subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 30% of the estimated value of the contract.

Amendment 441
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah
Proposal for a regulation
Article 28 – paragraph 5

Text proposed by the Commission

(5) Where the undertaking, economic

Amendment

(5) Where the undertaking, economic
operators or groups of economic operators referred to in paragraph 1 fail to notify a foreign financial contribution, or where such a notification is not transferred to the Commission, the Commission may initiate a review.

Amendment 442
Massimiliano Salini, Iuliu Winkler

Proposal for a regulation
Article 28 – paragraph 5 a (new)

Text proposed by the Commission

(5 a) When the foreign subsidy was granted to a subcontractor who had not notified it to the lead operator, its substitution by the lead operator shall be sufficient to prevent the Commission’s review from being opened.

Amendment

Or. en

Amendment 443
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques

Proposal for a regulation
Article 28 – paragraph 6

Text proposed by the Commission

(6) Where the Commission suspects that an undertaking may have benefitted from foreign subsidies in the three years prior to the submission of the tender or request to participate in the public procurement procedure, it may request the notification of the foreign financial contributions received by that undertaking in any public procurement procedure which are not notifiable under Article 27(2) or fall within the scope of paragraph 5 of this Article, at any time before the award of the contract.

Amendment

(6) Where the Commission suspects that an undertaking may have benefitted from foreign subsidies in the three years prior to the submission of the tender or request to participate in the public procurement procedure, or where an undertaking may benefit from foreign subsidies in the year following the submission of the tender or request to participate in the public procurement procedure, it may request the notification of the foreign financial contributions
contract. Once the Commission has requested the notification of such a financial contribution, it is deemed to be a notifiable foreign financial contribution in a public procurement procedure.

received or foreign financial contributions to be received within one year following the submission of the tender or request to participate in the public procurement procedure by that undertaking in any public procurement procedure which are not notifiable under Article 27(2) or fall within the scope of paragraph 5 of this Article, at any time before the award of the contract. Once the Commission has requested the notification of such a financial contribution, it is deemed to be a notifiable foreign financial contribution in a public procurement procedure.

Or. en

Amendment 444
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Lokkegaard

Proposal for a regulation
Article 28 – paragraph 6

Text proposed by the Commission

(6) Where the Commission suspects that an undertaking may have benefitted from foreign subsidies in the three years prior to the submission of the tender or request to participate in the public procurement procedure, it may request the notification of the foreign financial contributions received by that undertaking in any public procurement procedure which are not notifiable under Article 27(2) or fall within the scope of paragraph 5 of this Article, at any time before the award of the contract. Once the Commission has requested the notification of such a financial contribution, it is deemed to be a notifiable foreign financial contribution in a public procurement procedure.

Amendment

(6) Where the Commission suspects that an undertaking may have benefitted from foreign subsidies in the three years prior to the submission of the tender or request to participate in the public procurement procedure or may benefit from known subsidies that have already been established and shall become effective following the procurement procedure, it may request the notification of the foreign financial contributions received by that undertaking in any public procurement procedure which are not notifiable under Article 27(2) or fall within the scope of paragraph 5 of this Article, at any time before the award of the contract. Once the Commission has requested the notification of such a financial contribution, it is deemed to be a notifiable foreign financial contribution in a public procurement procedure.
(6) Where the Commission suspects that an undertaking may have benefitted from foreign subsidies in the three years prior to the submission of the tender or request to participate in the public procurement procedure, it may request the notification of the foreign financial contributions received by that undertaking in any public procurement procedure which are not notifiable under Article 27(2) or fall within the scope of paragraph 5 of this Article, at any time before the award of the contract. Once the Commission has requested the notification of such a financial contribution, it is deemed to be a notifiable foreign financial contribution in a public procurement procedure. **The Commission shall publish guidance on the criteria to require such a notification by the date of application of this Regulation.**

**Amendment 446**
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 28 – paragraph 6

(6) Where the Commission suspects that an undertaking may have benefitted from foreign subsidies in the five years prior to the submission of the tender or request to participate in the public procurement procedure, it may request the notification of the foreign financial contributions received by that undertaking in any public procurement procedure which are not notifiable under Article 27(2) or fall within the scope of paragraph 5 of this Article, at any time before the award of the contract. Once the Commission has requested the notification of such a financial contribution, it is deemed to be a notifiable foreign financial contribution in a public procurement procedure.
from foreign subsidies in the three years prior to the submission of the tender or request to participate in the public procurement procedure, it may request the notification of the foreign financial contributions received by that undertaking in any public procurement procedure which are not notifiable under Article 27(2) or fall within the scope of paragraph 5 of this Article, at any time before the award of the contract. Once the Commission has requested the notification of such a financial contribution, it is deemed to be a notifiable foreign financial contribution in a public procurement procedure.

Or. en

Amendment 447
Daniel Caspary

Proposal for a regulation
Article 28 – paragraph 6

Text proposed by the Commission

(6) Where the Commission suspects that an undertaking may have benefitted from foreign subsidies in the three years prior to the submission of the tender or request to participate in the public procurement procedure, it may request the notification of the foreign financial contributions received by that undertaking in any public procurement procedure which are not notifiable under Article 27(2) or fall within the scope of paragraph 5 of this Article, at any time before the award of the contract. Once the Commission has requested the notification of such a financial contribution, it is deemed to be a notifiable foreign financial contribution in a public procurement procedure.

Amendment

(6) Where the Commission suspects that an undertaking may have been granted foreign subsidies in the three years prior to the submission of the tender or request to participate in the public procurement procedure, it may request the notification of the foreign financial contributions received by that undertaking in any public procurement procedure which are not notifiable under Article 27(2) or fall within the scope of paragraph 5 of this Article, at any time before the award of the contract. Once the Commission has requested the notification of such a financial contribution, it is deemed to be a notifiable foreign financial contribution in a public procurement procedure.
Amendment 448
Geert Bourgeois

Proposal for a regulation
Article 28 a (new)

Text proposed by the Commission

Amendment

Article 28 a

Own initiative request for the assessment of foreign subsidies

1. The Commission shall carry out an assessment of foreign subsidies upon an own-initiative request of the undertaking which plans to apply for the public procurement.

2. The Commission shall carry out the assessment based on the rules set in this Regulation. The undertaking concerned may withdraw from the request for the assessment.

3. By 30 June 2023, the Commission shall publish guidelines providing details and procedure on how to request the assessment of foreign subsidies, including possible fees.

Or. en

Amendment 449
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 29 – title

Text proposed by the Commission

Amendment

Procedural rules applicable to the preliminary review and the in-depth investigation of notified financial contributions in public procurement procedures

Procedural rules applicable to the preliminary review and the in-depth investigation of notified foreign subsidies in public procurement procedures

Or. en
### Amendment 450
**Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah**

Proposal for a regulation  
**Article 29 – paragraph 1**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Articles 8, 9 (1), (3) and (4), 11, 12, 13, 14, 16 and 22 shall apply to notified financial contributions in public procurement procedures.</td>
<td>(1) Articles 8, 9 (1), (3) and (4), 11, 12, 13, 14, 16 and 22 shall apply to notified foreign subsidies in public procurement procedures.</td>
</tr>
</tbody>
</table>

[Or. en]

### Amendment 451
**Emmanuel Maurel**

Proposal for a regulation  
**Article 29 – paragraph 2**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) The Commission shall carry out a preliminary review no later than 60 days after it received the notification.</td>
<td>(2) The Commission shall carry out a preliminary review no later than 90 days after it received the notification.</td>
</tr>
</tbody>
</table>

[Or. fr]

### Amendment 452
**Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Løkkegaard**

Proposal for a regulation  
**Article 29 – paragraph 2**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) The Commission shall carry out a preliminary review no later than 60 days after it received the notification.</td>
<td>(2) The Commission shall carry out a preliminary review no later than 30 days after it received the notification.</td>
</tr>
</tbody>
</table>

[Or. en]
### Amendment 453
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation  
**Article 29 – paragraph 2**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) The Commission shall carry out a preliminary review no later than <strong>60</strong> days after it received the notification.</td>
<td>(2) The Commission shall carry out a preliminary review no later than <strong>30</strong> days after it received the notification.</td>
</tr>
</tbody>
</table>

Or. en

### Amendment 454
Enikő Győri, Ernő Schaller-Baross

Proposal for a regulation  
**Article 29 – paragraph 2**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) The Commission shall carry out a preliminary review no later than <strong>60</strong> days after it received the notification.</td>
<td>(2) The Commission shall carry out a preliminary review no later than <strong>30</strong> days after it received the notification.</td>
</tr>
</tbody>
</table>

Or. en

### Amendment 455
Geert Bourgeois

Proposal for a regulation  
**Article 29 – paragraph 2**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) The Commission shall carry out a preliminary review no later than <strong>60</strong> days after it received the notification.</td>
<td>(2) The Commission shall carry out a preliminary review no later than <strong>40</strong> days after it received the notification.</td>
</tr>
</tbody>
</table>

Or. en

### Amendment 456
Geert Bourgeois

| PE719.564v01-00 | 70/110 | AM\1249244EN.docx |
Proposal for a regulation
Article 29 – paragraph 3

(3) The Commission shall decide whether to initiate an in-depth investigation within the time limit for completing the preliminary review and inform the undertaking concerned and the contracting authority or the contracting entity without delay.

Amendment
(3) The Commission shall decide whether to initiate an in-depth investigation within the time limit for completing the preliminary review and inform the undertaking concerned and the contracting authority or the contracting entity without delay. Where the Commission has not taken a decision to initiate an in-depth investigation within 40 days, the foreign subsidies shall be deemed as not distorting the internal market.

Or. en

Amendment 457
Enikő Győri, Ernő Schaller-Baross

Proposal for a regulation
Article 29 – paragraph 4

(4) The Commission may adopt a decision closing the in-depth investigation no later than 200 days after it received the notification. In exceptional circumstances, this time limit may be extended after consultation with the concerned contracting authority or contracting entity.

Amendment
(4) The Commission may adopt a decision closing the in-depth investigation no later than 90 days after it received the notification. In exceptional circumstances, this time limit may be extended after consultation with the concerned contracting authority or contracting entity.

Or. en

Amendment 458
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela

Proposal for a regulation
Article 29 – paragraph 4

Text proposed by the Commission

(4) The Commission may adopt a decision closing the in-depth investigation no later than 200 days after it received the notification. In exceptional circumstances, this time limit may be extended after consultation with the concerned contracting authority or contracting entity.

Amendment
(4) The Commission may adopt a decision closing the in-depth investigation no later than 90 days after it received the notification. In exceptional circumstances, this time limit may be extended after consultation with the concerned contracting authority or contracting entity.
(4) The Commission may adopt a decision closing the in-depth investigation no later than 200 days after it received the notification. In exceptional circumstances, this time limit may be extended after consultation with the concerned contracting authority or contracting entity.

Or. en

Amendment 459
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 29 – paragraph 4

Text proposed by the Commission

(4) The Commission may adopt a decision closing the in-depth investigation no later than 200 days after it received the notification. In exceptional circumstances, this time limit may be extended after consultation with the concerned contracting authority or contracting entity.

Amendment

(4) The Commission may adopt a decision closing the in-depth investigation no later than 100 days after it received the notification. In exceptional circumstances, this time limit may be extended after consultation with the concerned contracting authority or contracting entity.

Or. en

Amendment 460
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 29 – paragraph 4

Text proposed by the Commission

(4) The Commission may adopt a decision closing the in-depth investigation no later than 200 days after it received the notification. In exceptional circumstances, this time limit may be extended after consultation with the concerned contracting authority or contracting entity.

Amendment

(4) The Commission may adopt a decision closing the in-depth investigation no later than 100 days after it received the notification. In exceptional circumstances, this time limit may be extended after consultation with the concerned contracting authority or contracting entity.

Or. en
Amendment 461
Gilles Lebreton

Proposal for a regulation
Article 29 – paragraph 4

Text proposed by the Commission

(4) The Commission may adopt a decision closing the in-depth investigation no later than 200 days after it received the notification. In exceptional circumstances, this time limit may be extended after consultation with the concerned contracting authority or contracting entity.

Amendment

(4) The Commission may adopt a decision closing the in-depth investigation no later than 120 days after it received the notification. In exceptional circumstances, this time limit may be extended by a maximum of 30 days after consultation with the concerned contracting authority or contracting entity.

Or. fr

Amendment 462
Geert Bourgeois

Proposal for a regulation
Article 29 – paragraph 4

Text proposed by the Commission

(4) The Commission may adopt a decision closing the in-depth investigation no later than 200 days after it received the notification. In exceptional circumstances, this time limit may be extended after consultation with the concerned contracting authority or contracting entity.

Amendment

(4) The Commission may adopt a decision closing the in-depth investigation no later than 120 days after it received the notification. In exceptional circumstances, this time limit may be extended by a maximum of 60 additional days.

Or. en

Amendment 463
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 29 – paragraph 4
(4) The Commission may adopt a decision closing the in-depth investigation no later than 200 days after it received the notification. In exceptional circumstances, this time limit may be extended after consultation with the concerned contracting authority or contracting entity.

(Amendment 464)
Massimiliano Salini, Iuliu Winkler, Arnaud Danjean

Proposal for a regulation
Article 29 – paragraph 4

Text proposed by the Commission

(4) The Commission may adopt a decision closing the in-depth investigation no later than 200 days after it received the notification. In exceptional circumstances, this time limit may be extended after consultation with the concerned contracting authority or contracting entity.

Amendment

(4) The Commission may adopt a decision closing the in-depth investigation no later than 150 days after it received the notification. In exceptional circumstances, this time limit may be extended after consultation with the concerned contracting authority or contracting entity.

Or. en

(Amendment 465)
Enikő Győri, Ernő Schaller-Baross

Proposal for a regulation
Article 29 – paragraph 4 a (new)

Text proposed by the Commission

(4 a) The Commission may request appropriate information from Member State authorities, if this is necessary under the procedures set out in paragraphs (2)-(4) of this article.

Amendment

(4 a) The Commission may request appropriate information from Member State authorities, if this is necessary under the procedures set out in paragraphs (2)-(4) of this article.

Or. en
Amendment 466
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 29 a (new)

Text proposed by the Commission

Amendment

Article 29 a

Aggregation of financial contributions

The aggregate financial contribution to an undertaking concerned shall be calculated by adding together the respective financial contributions received from third countries by all undertakings referred to in Article 21(4), points (a) to (e).

Or. en

Amendment 467
José Manuel García-Margallo y Marfil

Proposal for a regulation
Article 30 – paragraph 2

Text proposed by the Commission

Amendment

(2) Where the undertaking concerned does not offer commitments or where the Commission considers that the commitments referred to in paragraph 1 are neither appropriate nor sufficient to fully and effectively remove the distortion it shall adopt a decision prohibiting the award of the contract to the undertaking concerned ("decision prohibiting the award of the contract").

(2) Where the undertaking concerned does not offer commitments or where the Commission considers that the commitments referred to in paragraph 1 are neither appropriate nor sufficient to fully and effectively remove the distortion it shall adopt a decision prohibiting the award of the contract to the undertaking concerned ("decision prohibiting the award of the contract"). Where circumstances so warrant, the Commission may exclude the undertaking concerned from participation in future public procurement procedures.

Or. es
Amendment 468
Dita Charanzová

Proposal for a regulation
Article 30 – paragraph 2

*Text proposed by the Commission*

(2) Where the undertaking concerned does not offer commitments or where the Commission considers that the commitments referred to in paragraph 1 are neither appropriate nor sufficient to fully and effectively remove the distortion it shall adopt a decision prohibiting the award of the contract to the undertaking concerned (“decision prohibiting the award of the contract”).

*Amendment*

(2) Where the undertaking concerned does not offer commitments or where the Commission considers that the commitments referred to in paragraph 1 are neither appropriate nor sufficient to fully and effectively remove the distortion it shall adopt a decision prohibiting the award of the contract to the undertaking concerned (“decision prohibiting the award of the contract”). The adoption of a decision prohibiting the award of the contract results in the exclusion of the undertaking concerned from participation in the public procurement procedure.

Or. en

Amendment 469
Geert Bourgeois

Proposal for a regulation
Article 30 – paragraph 3 a (new)

*Text proposed by the Commission*

(3 a) The Commission shall publish the decisions, which shall indicate inter alia the thorough explanation of the decision, quantified indicators on which the decision is based and the right and the time limit of the undertaking to have the decision reviewed by the Court of Justice of the European Union.

*Amendment*

(3 a) The Commission shall publish the decisions, which shall indicate inter alia the thorough explanation of the decision, quantified indicators on which the decision is based and the right and the time limit of the undertaking to have the decision reviewed by the Court of Justice of the European Union.

Or. en

Amendment 470
Carles Puigdemont i Casamajó
Proposal for a regulation
Article 30 – paragraph 3 a (new)

_text proposed by the Commission_  
(3 a) The Commission shall inform the Parliament regarding these decisions.

Amendment 471
Enikő Győri, Ernő Schaller-Baross

Proposal for a regulation
Article 31 – paragraph 1

_text proposed by the Commission_  
(1) During the preliminary review and the in-depth investigation, the evaluation of tenders in a public procurement procedure may continue. The contract shall not be awarded before the expiry of the time limit set in Article 29(2).

Or. en

Amendment 472
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques

Proposal for a regulation
Article 31 – paragraph 3

_text proposed by the Commission_  
(3) The contract may be awarded to an undertaking submitting a declaration under Article 28 before the Commission takes any of the decisions referred to in Article 30 or before the time limit laid down in Article 29(4) elapses only if the tender evaluation has established that the undertaking in question has in any case submitted the most economically_  
deleted

advantageous tender.

Amendment 473
Geert Bourgeois

Proposal for a regulation
Article 31 – paragraph 3

Text proposed by the Commission
(3) The contract may be awarded to an undertaking submitting a declaration under Article 28 before the Commission takes any of the decisions referred to in Article 30 or before the time limit laid down in Article 29(4) elapses only if the tender evaluation has established that the undertaking in question has in any case submitted the most economically advantageous tender.

Amendment
(3) The contract may be awarded to an undertaking submitting a declaration under Article 28 before the Commission takes any of the decisions referred to in Article 30 or before the time limit laid down in Article 29(4) elapses only if the tender evaluation has established that the undertaking in question has in any case submitted the most economically advantageous tender. By 30 June 2023, the Commission shall publish the guidelines providing the criteria and procedure for the assessment of the most economically advantageous tender.

Amendment 474
Enikő Győri, Ernő Schaller-Baross

Proposal for a regulation
Article 31 – paragraph 3

Text proposed by the Commission
(3) The contract may be awarded to an undertaking submitting a declaration under Article 28 before the Commission takes any of the decisions referred to in Article 30 or before the time limit laid down in Article 29(4) elapses only if the tender evaluation has established that the undertaking in question has in any case submitted the most economically

Amendment
(3) The contract may be awarded to an undertaking submitting a declaration under Article 28 before the Commission takes any of the decisions referred to in Article 30 or before the time limit laid down in Article 29(2) or (4) elapses only if the tender evaluation has established that the undertaking in question has in any case submitted the most economically
advantageous tender.

Amendment 475
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques

Proposal for a regulation
Article 31 – paragraph 4

**Text proposed by the Commission**

(4) Where the Commission issues a decision under Article 30(2) regarding the most *economically* advantageous tender, the contract may be awarded to the undertaking having submitted the next best tender not subject to a decision under Article 30(2).

**Amendment**

(4) Where the Commission issues a decision under Article 30(2) regarding the most advantageous tender, the contract may be awarded to the undertaking having submitted the next best tender not subject to a decision under Article 30(2).

Or. en

Amendment 476
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques

Proposal for a regulation
Article 31 – paragraph 5

**Text proposed by the Commission**

(5) Where the Commission adopts a decision in accordance with Article 30(1) or (3), the contract may be awarded to any undertaking having submitted the most *economically* advantageous tender, including, as the case may be, the undertaking(s) having submitted the notification under Article 28.

**Amendment**

(5) Where the Commission adopts a decision in accordance with Article 30(1) or (3), the contract may be awarded to any undertaking having submitted the most advantageous tender, including, as the case may be, the undertaking(s) having submitted the notification under Article 28.

Or. en

Amendment 477
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro
Proposal for a regulation  
Article 31 – paragraph 6  

Text proposed by the Commission  
(6) In all cases, the contracting authority or the contracting entity shall inform the Commission of any decision relating to the outcome of the public procurement procedure.

Amendment  
(6) In all cases, the contracting authority or the contracting entity shall inform the Commission of any decision relating to the outcome of the public procurement procedure, in the month after the procedure is concluded.

Or. en

Amendment 478  
Massimiliano Salini, Iuliu Winkler

Proposal for a regulation  
Article 31 – paragraph 6 a (new)  

Text proposed by the Commission  
(6 a) Whenever contracting authorities make use of qualification systems complying to Article 77 of Directive 2014/25/EU, the undertaking’s obligation to notify the foreign subsidy received is observed at the qualification stage with reference to the previous three calendar years with respect to the qualification system and has a temporary validity of three calendar years after which it is necessary to provide an update of the notification.

Amendment  
(6 a) Whenever contracting authorities make use of qualification systems complying to Article 77 of Directive 2014/25/EU, the undertaking’s obligation to notify the foreign subsidy received is observed at the qualification stage with reference to the previous three calendar years with respect to the qualification system and has a temporary validity of three calendar years after which it is necessary to provide an update of the notification.

Or. en

Amendment 479  
Reinhard Bütikofer  
on behalf of the Verts/ALE Group

Proposal for a regulation  
Article 31 – paragraph 7  

Text proposed by the Commission  

Amendment  

Or. en
The principles governing public procurement, including proportionality, non-discrimination, equal treatment, and transparency, shall be observed as regards all undertakings involved in the public procurement procedure. The investigation of foreign subsidies pursuant to this Regulation shall not result in the contracting authority or the contracting entity treating the undertaking concerned in a way that is contrary to those principles.

Or. en

Amendment 480
Gilles Lebreton

Proposal for a regulation
Article 32

Text proposed by the Commission

Amendment

Article 32

Fines and periodic penalty payments applicable to financial contributions in the context of public procurement procedures

(1) The Commission may impose fines and periodic penalty payments as set out in Article 15.

(2) In addition, the Commission may impose by decision on the undertakings concerned fines not exceeding 1 % of their aggregate turnover in the preceding business year, where they intentionally or negligently supply incorrect or misleading information in a notification pursuant to Article 28 or supplement thereto;

(3) The Commission may impose by decision on the undertakings concerned fines not exceeding 10 % of their aggregate turnover in the preceding business year where they, intentionally or
negligently, fail to notify a subsidy in accordance with Article 28 during the public procurement procedure.

Amendment 481
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 32 – title

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fines and periodic penalty payments applicable to financial contributions in the context of public procurement procedures</td>
<td>Fines and periodic penalty payments applicable to foreign subsidies in the context of public procurement procedures</td>
</tr>
</tbody>
</table>

Amendment 482
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 32 – title

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fines and periodic penalty payments applicable to financial contributions in the context of public procurement procedures</td>
<td>Fines and periodic penalty payments applicable to foreign subsidies in the context of public procurement procedures</td>
</tr>
</tbody>
</table>

Amendment 483
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 33 – paragraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) A financial contribution notified in</td>
<td>(1) A foreign subsidy notified in the</td>
</tr>
</tbody>
</table>
the context of a concentration under Article 19 may be relevant and assessed again in relation to another economic activity.

context of a concentration under Article 19 may be relevant and assessed again in relation to another economic activity.

Amendment 484
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 33 – paragraph 2

Text proposed by the Commission

(2) A financial contribution notified in the context of a public procurement procedure under Article 28 may be relevant and assessed again in relation to another economic activity.

Amendment

(2) A foreign subsidy notified in the context of a public procurement procedure under Article 28 may be relevant and assessed again in relation to another economic activity.

Amendment 485
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 34 – paragraph 1

Text proposed by the Commission

(1) Where the information available substantiates a reasonable suspicion that foreign subsidies in a particular sector, for a particular type of economic activity or based on a particular subsidy instrument may distort the internal market, the Commission may conduct a market investigation into the particular sector, the particular type of economic activity or into the use of the subsidy instrument concerned. In the course of that market investigation, the Commission may request the undertakings or associations of undertakings concerned to supply the necessary information and may carry out

Amendment

(1) Where the information available substantiates a reasonable suspicion that foreign subsidies in a particular sector, for a particular type of economic activity or based on a particular subsidy instrument may distort the internal market, the Commission shall conduct a market investigation into the particular sector, the particular type of economic activity or into the use of the subsidy instrument concerned. In the course of that market investigation, the Commission shall request the undertakings or associations of undertakings concerned to supply the necessary information and may carry out
the necessary inspections. The Commission may also request the Member State or third country concerned to supply information.

Amendment 486
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 34 – paragraph 2

_text proposed by the Commission_

(2) The Commission _may_ publish a report on the results of its market investigation into particular sectors, particular types of economic activity or particular subsidy instruments and invite comments from interested parties.

_amendment_

(2) The Commission _shall_, _where relevant_, publish a report on the results of its market investigation into particular sectors, particular types of economic activity or particular subsidy instruments and invite comments from interested parties.

Amendment 487
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 34 – paragraph 2

_text proposed by the Commission_

(2) The Commission _may_ publish a report on the results of its market investigation into particular sectors, particular types of economic activity or particular subsidy instruments and invite comments from interested parties.

_amendment_

(2) The Commission _shall_ publish a report on the results of its market investigation into particular sectors, particular types of economic activity or particular subsidy instruments and invite comments from interested parties.
Amendment 488
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission
(2) The Commission _may_ publish a report on the results of its market investigation into particular sectors, particular types of economic activity or particular subsidy instruments and invite comments from interested parties.

Amendment
(2) The Commission _shall_ publish a report on the results of its market investigation into particular sectors, particular types of economic activity or particular subsidy instruments and invite comments from interested parties.

Or. en

Amendment 489
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 34 – paragraph 3

Text proposed by the Commission
(3) The Commission _may_ use the information obtained from such market investigations in the framework of procedures under this Regulation.

Amendment
(3) The Commission _shall_ use the information obtained from such market investigations in the framework of procedures under this Regulation.

Or. en

Amendment 490
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Løkkegaard

Proposal for a regulation
Article 34 – paragraph 3

Text proposed by the Commission
(3) The Commission may use the information obtained from such market investigations in the framework of procedures under this Regulation.

Amendment
(3) The Commission may use the information obtained from such market investigations in the framework of procedures under this Regulation, _including the ex officio review._
Amendment 491
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 34 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4 a) Following a market investigation, the Commission may engage in dialogue with the third country concerned, with the objective to end the distortive effects of a subsidy scheme. This dialogue shall not prevent the Commission from taking further action under the provisions of this Regulation, including the application of interim or redressive measures.

Amendment 492
Daniel Caspary

Proposal for a regulation
Article 34 a (new)

Text proposed by the Commission

Amendment

Article 34 a

Third country dialogue

1. Where, following a market investigation pursuant to article 34, the Commission discovers the existence of systemic distortive foreign subsidies, or where other information available substantiates a reasonable suspicion as to the existence of such subsidies, the Commission, on behalf of the Union, may engage in a dialogue with the third country in question to explore options aimed at obtaining the cessation or modification of the subsidies with a view to eliminating their distortive
effects on the internal market.

2. That dialogue shall not prevent the Commission from opening or continuing investigations under this Regulation nor constitute an alternative to redressive measures pursuant to article 6.

3. The Commission may seek to obtain the cessation or modification of the systemic distortive subsidies also by raising the matter in any relevant international forum.

4. The Commission may enter into consultations or cooperation, on behalf of the Union, with any other third country affected by the same systemic distortive subsidies or with any interested third country, with a view to obtaining the cessation or modification of the subsidies. This may involve, where appropriate, coordination in relevant international fora and coordination in response to the systemic distortive subsidies.


Amendment 493
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

(1) The powers of the Commission under Article 9 shall be subject to a limitation period of ten years, starting on the day on which a foreign subsidy is granted to the undertaking concerned. Any action taken by the Commission under Articles 8, 11, 12 or 13 with respect to a foreign subsidy shall interrupt the limitation period. After each interruption, the limitation period shall start to run

Amendment

(1) The powers of the Commission under Article 9 shall be subject to a limitation period of ten years, starting from the later of the actual moment of receipt of the subsidy or moment at which the related distortion first appears in the EU. Any action taken by the Commission under Articles 8, 11, 12, 13 or 34 with respect to a foreign subsidy shall interrupt the limitation period. After each interruption,
amendment period shall start to run afresh.

Amendment 494
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission
(1) The powers of the Commission under Article 9 shall be subject to a limitation period of ten years, starting on the day on which a foreign subsidy is granted to the undertaking concerned. Any action taken by the Commission under Articles 8, 11, 12 or 13 with respect to a foreign subsidy shall interrupt the limitation period. After each interruption, the limitation period shall start to run afresh.

Amendment
(1) The powers of the Commission under Article 9 shall be subject to a limitation period of ten years, starting on the day on which a foreign subsidy is granted to the undertaking concerned. Any action taken by the Commission under Articles 8, 11, 12, 13 or 34 with respect to a foreign subsidy shall interrupt the limitation period. After each interruption, the limitation period shall start to run afresh.

Amendment 495
Gilles Lebreton

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission
(2) The powers of the Commission to impose fines and periodic penalty payments under Articles 15, 25 and 32 shall be subject to a limitation period of three years, starting on the day on which the infringement referred to in Articles 15, 25 or 32 took place. In the case of continuing or repeated infringements, the limitation period shall start on the day on which the infringement ceases. Any action taken by the Commission with deleted
respect to an infringement referred to in Articles 15, 25 or 32 shall interrupt the limitation period for the imposition of fines or periodic penalty payments. After each interruption, the limitation period shall start to run afresh.

Amendment 496
Gilles Lebreton

Proposal for a regulation
Article 35 – paragraph 3

Text proposed by the Commission
(3) The powers of the Commission to enforce decisions imposing fines and periodic penalty payments under Articles 15, 25 and 32 shall be subject to a limitation period of five years, starting on the day on which the Commission decision imposing fines or periodic penalty payments was taken. Any action taken by the Commission, or by a Member State acting upon request of the Commission, intended to enforce payment of the fine or periodic penalty payment shall interrupt that limitation period. After each interruption, the limitation period shall start to run afresh.

Amendment 497
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 36 – paragraph 1

Text proposed by the Commission
(1) The Commission shall publish a summary notice of the decisions adopted pursuant to Article 8(2).

Amendment
(1) The Commission shall publish a summary notice of the decisions adopted pursuant to Article 8(2) and to Article 34
Proposal for a regulation
Article 37 – paragraph 1

Text proposed by the Commission

(1) Decisions adopted pursuant to Articles 8, 9, 15, 24(3), 25, 30(1) and 32 shall be addressed to the undertakings or to the association of undertakings concerned. The Commission shall notify the decision to the addressee without delay and shall give the addressee the opportunity to indicate to the Commission which information it considers to be confidential. The Commission shall provide the contracting authority or the contracting entity concerned with a copy of any Commission decision addressed to an undertaking participating in a public procurement procedure.

Amendment

(1) Decisions adopted pursuant to Articles 8, 9, 15, 24(3), 25, 30(1), 32 and 34 (2), shall be addressed to the undertakings or to the association of undertakings concerned. The Commission shall notify the decision to the addressee without delay and shall give the addressee the opportunity to indicate to the Commission which information it considers to be confidential. The Commission shall provide the contracting authority or the contracting entity concerned with a copy of any Commission decision addressed to an undertaking participating in a public procurement procedure.

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

(1) The Commission shall, before adopting a decision pursuant to Articles 9, 15, 24(3) point (c), 25, 30(2) or 32 give the undertaking concerned the opportunity to submit observations on the grounds on which the Commission intends to adopt its decision.

Amendment

(1) The Commission shall, before adopting a decision pursuant to Articles 9, 15, 24(3) point (c), 25, 30(2) or 32 give all the interested parties likely to be affected by the result of the proceeding -such as the undertaking concerned- the opportunity to access the relevant documentation,
submit observations and provide relevant evidence on the grounds on which the Commission intends to adopt its decision.

Amendment 500
Gilles Lebreton

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

(1) The Commission shall, before adopting a decision pursuant to Articles 9, 15, 24(3) point (c), 25, 30(2) or 32 give the undertaking concerned the opportunity to submit observations on the grounds on which the Commission intends to adopt its decision.

Amendment

(1) The Commission shall, before adopting a decision pursuant to Articles 9, 15, 24(3) point (c), 25, 30(2) or 32, give the undertaking concerned and the competent authorities of the Member State in which it is registered the opportunity to submit observations on the grounds on which the Commission intends to adopt its decision.

Or. fr

Amendment 501
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 40 – paragraph 7

Text proposed by the Commission

(7) An investigation pursuant to this Regulation shall not be carried out and measures shall not be imposed or maintained where such investigation or measures would be contrary to the Union’s obligations emanating from any relevant international agreement it has entered into. In particular, no action shall be taken under this Regulation which would amount to a specific action against a subsidy within the meaning of Article 32.1 of the Agreement on Subsidies and Countervailing Measures.

Amendment

(7) An investigation pursuant to this Regulation shall not be carried out and measures shall not be imposed or maintained where such investigation or measures would be contrary to the Union’s obligations emanating from any relevant international agreement it has entered into. In particular, no action shall be taken under this Regulation which would amount to a specific action against a subsidy within the meaning of Article 32.1 of the Agreement on Subsidies and Countervailing Measures.
This Regulation shall not prevent the Union from exercising its rights or fulfilling its obligations under international agreements, except where the third country granting the subsidy is not a WTO Member or where the Commission has well-founded indications that the third country granting the subsidy is in substantial non-compliance with notification obligations under the Agreement on Subsidies and Countervailing Measures or under other international agreements, at least with regard to the sector concerned. Provided that, regardless of the sector involved, actions may always be taken under this Regulation in relation to foreign subsidies which cause distortions on the internal market in public procurement procedures or in relation to concentrations.

Amendment 502
Massimiliano Salini, Iuliu Winkler, Arnaud Danjean

Proposal for a regulation
Article 40 – paragraph 7

Text proposed by the Commission

(7) An investigation pursuant to this Regulation shall not be carried out and measures shall not be imposed or maintained where such investigation or measures would be contrary to the Union’s obligations emanating from any relevant international agreement it has entered into. In particular, no action shall be taken under this Regulation which would amount to a specific action against a subsidy within the meaning of Article 32.1 of the Agreement on Subsidies and Countervailing Measures. This Regulation shall not prevent the Union from exercising its rights or fulfilling its obligations under international agreements.

Amendment

(7) An investigation pursuant to this Regulation shall not be carried out and measures shall not be imposed or maintained where such investigation or measures would be contrary to the Union’s obligations emanating from any relevant international agreement it has entered into. In particular, no action shall be taken under this Regulation which would amount to a specific action against a subsidy within the meaning of Article 32.1 of the Agreement on Subsidies and Countervailing Measures, except where the country granting the subsidy is not a WTO Member or where the Commission has well-founded indications that the country granting the subsidy is in substantial non-compliance
with notification obligations under the Agreement or under other international agreements, at least with regard to the sector concerned. Provided that, regardless of the sector involved, actions may always be taken under this Regulation in relation to foreign subsidies which cause distortions on the internal market in public procurement procedures or in relation to concentrations. This Regulation shall not prevent the Union from exercising its rights or fulfilling its obligations under international agreements.

Amendment 503
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Løkkegaard

Proposal for a regulation
Article 40 – paragraph 7

Text proposed by the Commission

(7) An investigation pursuant to this Regulation shall not be carried out and measures shall not be imposed or maintained where such investigation or measures would be contrary to the Union’s obligations emanating from any relevant international agreement it has entered into. In particular, no action shall be taken under this Regulation which would amount to a specific action against a subsidy within the meaning of Article 32.1 of the Agreement on Subsidies and Countervailing Measures. This Regulation shall not prevent the Union from exercising its rights or fulfilling its obligations under international agreements.

Amendment

(7) An investigation pursuant to this Regulation shall not be carried out and measures shall not be imposed or maintained where such investigation or measures would be contrary to the Union’s obligations emanating from any relevant international agreement it has entered into. In particular, no action shall be taken under this Regulation which would amount to a specific action against a subsidy within the meaning of Article 32.1 of the Agreement on Subsidies and Countervailing Measures except where the country granting the subsidy is not a WTO member or where the Commission has well-founded indications that the country granting the subsidy is in substantial non-compliance with notification obligations under the Agreement or under other international agreements. Provided that, regardless of the sector involved, actions may always be taken under this Regulation in relation to foreign subsidies which cause distortions.
on the internal market in public procurement procedures or in relation to concentrations. This Regulation shall not prevent the Union from exercising its rights or fulfilling its obligations under international agreements.

Amendment 504
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 40 – paragraph 7

Text proposed by the Commission

(7) An investigation pursuant to this Regulation shall not be carried out and measures shall not be imposed or maintained where such investigation or measures would be contrary to the Union’s obligations emanating from any relevant international agreement it has entered into. In particular, no action shall be taken under this Regulation which would amount to a specific action against a subsidy within the meaning of Article 32.1 of the Agreement on Subsidies and Countervailing Measures. This Regulation shall not prevent the Union from exercising its rights or fulfilling its obligations under international agreements.

Amendment

(7) An investigation pursuant to this Regulation shall not be carried out and measures shall not be imposed or maintained where such investigation or measures would be contrary to the Union’s obligations emanating from any relevant international agreement it has entered into. In particular, no action shall be taken under this Regulation which would amount to a specific action against a subsidy within the meaning of Article 32.1 of the Agreement on Subsidies and Countervailing Measures, except where the Commission has well-founded indications that the country granting the subsidy is in substantial non-compliance with notification obligations under the Agreement or under other international agreements, at least with regard to the sector concerned. Regardless of the sector involved, actions may always be taken under this Regulation in relation to foreign subsidies which cause distortions on the internal market in public procurement procedures or in relation to concentrations. This Regulation shall not prevent the Union from exercising its rights or fulfilling its obligations under international agreements.
Amendment 505
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 40 – paragraph 7

**Text proposed by the Commission**

(7) An investigation pursuant to this Regulation shall not be carried out and measures shall not be imposed or maintained where such investigation or measures would be contrary to the Union’s obligations emanating from any relevant international agreement it has entered into. In particular, no action shall be taken under this Regulation which would amount to a specific action against a subsidy within the meaning of Article 32.1 of the Agreement on Subsidies and Countervailing Measures. This Regulation shall not prevent the Union from exercising its rights or fulfilling its obligations under international agreements.

**Amendment**

(7) An investigation pursuant to this Regulation shall not be carried out and measures shall not be imposed or maintained where such investigation or measures would be contrary to the Union’s obligations emanating from any relevant international agreement it has entered into. In particular, no action shall be taken under this Regulation which would amount to a specific action against a subsidy within the meaning of Article 32.1 of the Agreement on Subsidies and Countervailing Measures and granted in a third country which is a member of the World Trade Organisation. This Regulation shall not prevent the Union from exercising its rights or fulfilling its obligations under international agreements.

Or. en

Amendment 506
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 42 – paragraph 1 – point b

**Text proposed by the Commission**

(b) the form, content and procedural details of notifications of foreign financial contributions in public procurement procedures pursuant to Article 28;

**Amendment**

(b) the form, content and procedural details of notifications of foreign subsidies in public procurement procedures pursuant to Article 28;

Or. en
Amendment 507
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 42 – paragraph 1 – point f

Text proposed by the Commission
Amendment

(f) the conditions and time limits for proposing commitments under Article 30;
(f) detailed rules on the application of redressive measures under article 6 and the conditions and time limits for proposing commitments under Article 30;

Or. en

Amendment 508
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 42 – paragraph 1 a (new)

Text proposed by the Commission
Amendment

(1 a) The first such implementing act shall be adopted no later than one year after the entry into force of this Regulation.

Or. en

Amendment 509
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 44

Text proposed by the Commission
Amendment

Article 44 deleted

Delegated acts

(1) The Commission is empowered to adopt delegated acts for the purposes of:
(a) amending the thresholds for notifications as set out in Articles 18 and 27, in the light of the practice of the
Commission during the first five years of application of this Regulation, and taking into account the effectiveness of application;

(b) exempting certain categories of undertakings concerned from the obligation to notify pursuant to Articles 19 and 28, in light of the practice of the Commission in the first five years of application of this Regulation, in case this practice allows to identify economic activities where foreign subsidies are unlikely to distort the internal market;

(c) amending the timelines for review and in-depth investigations as set out in Articles 24 and 29.

(2) Delegated acts referred to in paragraph 1 shall be adopted in accordance with Article 45.

Or. en

Amendment 510
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 44

Text proposed by the Commission Amendment

Article 44 deleted

Delegated acts

(1) The Commission is empowered to adopt delegated acts for the purposes of:

(a) amending the thresholds for notifications as set out in Articles 18 and 27, in the light of the practice of the Commission during the first five years of application of this Regulation, and taking into account the effectiveness of application;

(b) exempting certain categories of undertakings concerned from the obligation to notify pursuant to Articles 19 and 28, in light of the practice of the
Commission in the first five years of application of this Regulation, in case this practice allows to identify economic activities where foreign subsidies are unlikely to distort the internal market;

(c) amending the timelines for review and in-depth investigations as set out in Articles 24 and 29.

(2) Delegated acts referred to in paragraph 1 shall be adopted in accordance with Article 45.

Amendment 511
Emmanuel Maurel

Proposal for a regulation
Article 44 – paragraph 1

Text proposed by the Commission

(1) The Commission is empowered to adopt delegated acts for the purposes of:

(a) amending the thresholds for notifications as set out in Articles 18 and 27, in the light of the practice of the Commission during the first five years of application of this Regulation, and taking into account the effectiveness of application;

(b) exempting certain categories of undertakings concerned from the obligation to notify pursuant to Articles 19 and 28, in light of the practice of the Commission in the first five years of application of this Regulation, in case this practice allows to identify economic activities where foreign subsidies are unlikely to distort the internal market;

(c) amending the timelines for review and in-depth investigations as set out in Articles 24 and 29.

Or. fr
Amendment 512
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 44 – paragraph 1 – point -a (new)

Text proposed by the Commission

(-a) specifying the definition of financial contribution, the definition of economically equivalent support measure, as well as for establishing criteria for identifying actions that can be plausibly attributed to third countries as set out in Article 2;

Or. en

Amendment 513
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 44 – paragraph 1 – point -a a (new)

Text proposed by the Commission

(-a a) supplementing the indicators set out for determining distortive subsidies in the single market as referred to in Article 3;

Or. en

Amendment 514
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 44 – paragraph 1 – point -a b (new)
(-a b) specifying the methodology underlying the balancing assessment and in particular for the determination of positive effects as well as criteria for outweighing effects referred to in Article 5;

Or. en

Amendment 515
Gilles Lebreton

Proposal for a regulation
Article 44 – paragraph 1 – point a

Text proposed by the Commission

(a) amending the thresholds for notifications as set out in Articles 18 and 27, in the light of the practice of the Commission during the first five years of application of this Regulation, and taking into account the effectiveness of application;

deleted

Or. fr

Amendment 516
Gilles Lebreton

Proposal for a regulation
Article 44 – paragraph 1 – point b

Text proposed by the Commission

(b) exempting certain categories of undertakings concerned from the obligation to notify pursuant to Articles 19 and 28, in light of the practice of the Commission in the first five years of application of this Regulation, in case this practice allows to identify economic activities where foreign subsidies are unlikely to distort the internal market;

(b) exempting certain categories of undertakings concerned from the obligation to notify pursuant to Articles 19 and 28, in light of the practice of the Commission in the first three years of application of this Regulation, in case this practice allows to identify economic activities where foreign subsidies are unlikely to distort the internal market;

Or. fr
Amendment 517
Gilles Lebreton

Proposal for a regulation
Article 44 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) amending the timelines for review and in-depth investigations as set out in Articles 24 and 29.

deleted

Or. fr

Amendment 518
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 45

Text proposed by the Commission

Amendment

Article 45

deleted

Exercise of the delegation

(1) The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

(2) The power to adopt delegated acts referred to in Article 44 shall be conferred on the Commission for an indeterminate period of time starting two years after the date of entry into force of this Regulation.

(3) The delegation of power referred to in Article 44 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
(4) Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

(5) As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

(6) A delegated act adopted pursuant to Article 44 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 519
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 45

Text proposed by the Commission

Amendment

Article 45 deleted

Exercise of the delegation

(1) The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

(2) The power to adopt delegated acts referred to in Article 44 shall be conferred on the Commission for an indeterminate period of time starting two years after the date of entry into force of this Regulation.

(3) The delegation of power referred to in
Article 44 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

(4) Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

(5) As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

(6) A delegated act adopted pursuant to Article 44 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 520
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela

Proposal for a regulation
Article 46 – paragraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<tbody>
<tr>
<td>Within five years after the entry into force of this Regulation at the latest, the</td>
<td>Within three years after the entry into force of this Regulation at the latest, the</td>
</tr>
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</table>
Commission shall present a report to the European Parliament and the Council on the application of this Regulation, accompanied, where the Commission considers it appropriate, by relevant legislative proposals. The relevant thresholds for the concentration and procurement procedures shall also be subject to a review one year after entry into force of this Regulation.

Amendment 521
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 46 – paragraph 1

Text proposed by the Commission

Within five years after the entry into force of this Regulation at the latest, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation, accompanied, where the Commission considers it appropriate, by relevant legislative proposals.

Amendment

1. Within three years after the entry into force of this Regulation at the latest, and every two years thereafter, the Commission shall review and evaluate the functioning and effectiveness of this Regulation and present a report to the European Parliament and the Council on its application.

Amendment 522
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 46 – paragraph 1

Text proposed by the Commission

Within five years after the entry into force of this Regulation at the latest, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation, accompanied, where the Commission considers it appropriate, by relevant legislative proposals.

Amendment

Within three years after the entry into force of this Regulation at the latest, and every two years thereafter, the Commission shall present a report to the European Parliament and the Council on the application and effectiveness of this Regulation,
considers it appropriate, by relevant legislative proposals.

accompanied, where the Commission considers it appropriate, by relevant legislative proposals.

Amendment 523
Geert Bourgeois

Proposal for a regulation
Article 46 – paragraph 1

Text proposed by the Commission

Within five years after the entry into force of this Regulation at the latest, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation, accompanied, where the Commission considers it appropriate, by relevant legislative proposals.

Amendment

Within three years after the entry into force of this Regulation and then each three years, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation, accompanied, where the Commission considers it appropriate, by relevant legislative proposals.

Amendment 524
Gilles Lebreton

Proposal for a regulation
Article 46 – paragraph 1

Text proposed by the Commission

Within five years after the entry into force of this Regulation at the latest, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation, accompanied, where the Commission considers it appropriate, by relevant legislative proposals.

Amendment

Within three years after the entry into force of this Regulation at the latest, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation, accompanied, where the Commission considers it appropriate, by relevant legislative proposals.
Amendment 525
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 46 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where the report recommends amendments to this Regulation and where the Commission considers it appropriate in light of its practice during the application of this Regulation and taking into account the effectiveness of application, the report may be accompanied by relevant legislative proposals, including:

a) to amend the thresholds for notifications as set out in Articles 18 and 27;

b) to exempt certain categories of undertakings concerned from the obligation to notify pursuant to Articles 19 and 28, especially where the practice of the Commission enables the identification of economic activities where foreign subsidies are unlikely to distort the internal market;

c) to establish specific thresholds for notifications for certain economic sectors, especially where the practice of the Commission enables the identification of economic activities where foreign subsidies are more likely to distort the internal market;

d) to amend the timelines for review and in-depth investigations as set out in Articles 24 and 29;

e) to abrogate the present Regulation, if the Commission considers that multilateral rules to address distortive subsidies have rendered this Regulation fully redundant.
Amendment 526
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 46 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission, taking into account the work undertaken by the Parliament and the Council, shall evaluate the scope, functioning and effectiveness of this Regulation within three years after its entry into force. The Parliament may then ask a revision of this Regulation.

Or. en

Amendment 527
Massimiliano Salini

Proposal for a regulation
Article 47 – paragraph 1

Text proposed by the Commission

Amendment

(1) This Regulation shall apply to foreign subsidies granted in the ten years prior to the date of application of this Regulation where such foreign subsidies distort the internal market after the start of application of this Regulation.

Or. en

Amendment 528
Gilles Lebreton

Proposal for a regulation
Article 47 – paragraph 1

Text proposed by the Commission

Amendment

(1) This Regulation shall apply to foreign subsidies granted in the ten years prior to the date of application of this

(1) This Regulation shall apply to foreign subsidies granted in the three years prior to the date of application of this
Regulation where such foreign subsidies distort the internal market after the start of application of this Regulation.

### Amendment 529

**Geert Bourgeois**

**Proposal for a regulation**

**Article 47 – paragraph 1**

<table>
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### Amendment 530

**Anna-Michelle Asimakopoulou**

**Proposal for a regulation**

**Article 47 – paragraph 1**

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</tr>
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</table>

### Amendment 531

**Reinhard Bütikofer**

on behalf of the Verts/ALE Group
Proposal for a regulation
Article 47 – paragraph 2

Text proposed by the Commission

(2) This Regulation shall apply to foreign financial contributions granted in the three years prior to the date of application of this Regulation where such foreign financial contributions were granted to an undertaking notifying a concentration or notifying financial contributions in the context of a public procurement procedure pursuant to this Regulation.

Amendment

(2) This Regulation shall apply to foreign subsidies granted in the three years prior to the date of application of this Regulation where such foreign subsidies were granted to an undertaking notifying a concentration or notifying financial contributions in the context of a public procurement procedure pursuant to this Regulation.

Or. en

Amendment 532
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 47 – paragraph 2

Text proposed by the Commission

(2) This Regulation shall apply to foreign financial contributions granted in the three years prior to the date of application of this Regulation where such foreign financial contributions were granted to an undertaking notifying a concentration or notifying financial contributions in the context of a public procurement procedure pursuant to this Regulation.

Amendment

(2) This Regulation shall apply to foreign subsidies contributions granted in the three years prior to the date of application of this Regulation where such foreign financial contributions were granted to an undertaking notifying a concentration or notifying foreign subsidies in the context of a public procurement procedure pursuant to this Regulation.

Or. en

Amendment 533
Geert Bourgeois

Proposal for a regulation
Article 48 – paragraph 2
Text proposed by the Commission

It shall apply from [date: six months after entry into force].

Amendment

It shall apply from [date: nine months after entry into force].