



2021/0406(COD)

22.6.2022

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on International Trade

on the proposal for a regulation of the European Parliament and of the Council
on the protection of the Union and its Member States from economic coercion
by third countries
(COM(2021)0775 – C9-0458/2021 – 2021/0406(COD))

Rapporteur for opinion: Svenja Hahn

PA_Legam

SHORT JUSTIFICATION

On 8 December 2021, the European Commission proposed a regulation *on the protection of the Union and its Member States from economic coercion by third countries*. The proposed instrument is a response to the EU and its Member States becoming the target of deliberate economic pressure in recent years, and the aim is to strengthen and complement the trade defence toolbox and allow the EU to better protect itself on the global stage.

The EU does not at the moment have an existing instrument that specifically deals with coercion, which is why the European Parliament and several Member States requested such an instrument as noted in the joint declaration of the Commission, the Council and the European Parliament on 2 February 2021. The proposal from the Commission follows from that declaration. This new tool would allow the Commission to introduce trade, investment and other restrictions against a third country, which unduly interferes in the policy choices of the EU and its Member States. The main function of the proposed instrument would, however, be to deter economic intimidation by its mere existence.

The Commission proposes to use the traditional implementing and delegated powers available within the common commercial policy area. In the Commission proposal, the Union response measures would be determined and adopted via an implementing act, while changes to potential response measures and rules of origin (Annex I and II) would be subject to delegated acts.

Though the proposed instrument is a trade-defence mechanism, the proposal does have consequences for the internal market as well. Parts of Annex I and the entire Annex II are responsibilities of IMCO: Goods and public procurement as well as rules of origin.

Considering the impact on the functioning of the internal market by any trade-related conflict or measures taken by a third country, it is surprising that there has been no assessment of the impact on the internal market. This even though coercive measures by a third country, as well as possible countermeasures, would definitely affect also the internal market as we have seen in the case of China banning products from Lithuania following a diplomatic row, which has had clear spill-over effects to other Member States and the internal market.

Given the implications of coercive actions by third countries on the internal market, as Rapporteur I propose to give Member States a role in triggering an investigation by the Commission. I also propose additions obliging the Commission to keep the European Parliament and the Member States informed along the process.

The Commission proposal leaves much of the decision-making solely up to the Commission, without parliamentary scrutiny, as a considerable part of the actions are proposed to be executed by implementing acts alone.

I believe that a more appropriate course would be that the Commission is empowered to determine that there has been a coercive action, after which the Commission, under scrutiny of the European Parliament and the Member States, decides on the appropriate countermeasures. This would mean that the countermeasures would be determined and adopted via a delegated act, not an implementing act as in the Commission proposal. Changing the procedure from implementing act to delegated act would ensure parliamentary scrutiny over the countermeasures, rather than giving the Commission full powers to act alone.

After the European Parliament and the Member States have been involved in deciding on the countermeasures, the Commission could suspend or terminate the measures by means of an implementing act. However, the power to amend the measures should be subject to parliamentary scrutiny, which is why I as Rapporteur propose that the amending of measures also would be done by a delegated act.

As one of the main concerns regarding the proposed instrument is about the ability to act swiftly, I propose to not make any changes to Article 10 (5) of the Commission proposal, which empowers the Commission to on duly justified imperative grounds of urgency adopt immediately applicable implementing acts suspending, amending or terminating Union response measures for a period not exceeding two months.

All in all, the proposed instrument clearly answers to a need, but it is imperative that we create a tool that rather than lead to protectionism shall safeguard the functioning of the internal market.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on International Trade, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) The modern interconnected world economy creates an increased risk of, and opportunity for, economic coercion, as it provides countries with enhanced, including hybrid, means to deploy such coercion. It is desirable that the Union contribute to the creation, development and clarification of international frameworks for the prevention and elimination of situations of economic coercion.

Amendment

(5) The modern interconnected world economy creates an increased risk of, and opportunity for, economic coercion, as it provides countries with enhanced, including hybrid, means to deploy such coercion. ***For this purpose, it is essential to strengthen the resilience of the internal market, diversify trade relations and boost European competitiveness. It is also*** desirable that the Union contribute to the creation, development and clarification of international frameworks for the prevention and elimination of situations of economic coercion ***through a deterring instrument that complements existing Union instruments. The use of economic coercion against the Union and the***

Member States has steadily increased.

Amendment 2

Proposal for a regulation

Recital 6

Text proposed by the Commission

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

Amendment

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

Amendment 3

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Coercive measures by a third country targeting a single Member State have negative repercussions on the proper functioning of the internal market, creating for instance disruptions in supply chains. Ensuring a well-functioning and

resilient internal market plays a strategic role in this context as it could deter economic coercion by third countries. It is therefore of particular importance to set rules that preserve the internal market from negative interferences, as well as rules that preserve the Union's capacity to make sovereign choices when considering Union measures in case of coercive measures by a third country.

Amendment 4

Proposal for a regulation

Recital 7

Text proposed by the Commission

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

Amendment

(7) This Regulation aims to ensure an effective, efficient and swift Union response to economic coercion, including deterrence of economic coercion of the Union or a Member State and, in the last resort, countermeasures. ***The conditions for activation of this instrument and for triggering specific measures should be clearly defined to avoid the incorrect use of this Regulation and to protect the Union's industries from foreign competition.***

Amendment 5

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) In accordance with the principle of proportionality, it is necessary and appropriate, for creating an effective and comprehensive framework for Union action against economic coercion, to lay down rules on the examination, determination and counteraction with regard to third countries' measures of economic coercion. In particular, the

Amendment

(9) In accordance with the principle of proportionality, it is necessary and appropriate, for creating an effective, ***credible*** and comprehensive framework for Union action against economic coercion, to lay down rules on the examination, determination and counteraction with regard to third countries' measures of economic coercion. In particular, the

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

Union's response measures should be preceded by an examination of the facts, a determination of the existence of economic coercion **and its impact on the Union**, and, wherever possible, efforts to find a solution in cooperation with the third country concerned. Any measures imposed by the Union should be commensurate with the injury caused by the third countries' measures of economic coercion. The criteria for defining the Union response measures should take into account in particular the need **for legal certainty and the need** to avoid or minimise collateral effects, administrative burdens and costs imposed on Union economic operators as well as the Union's interest **in safeguarding the integrity and proper functioning of the internal market**. Therefore, this Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) of the Treaty on European Union.

Amendment 6

Proposal for a regulation

Recital 15

Text proposed by the Commission

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

Amendment

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

measures.

applicable rules should ensure that the Regulation does not hamper the Union's openness and rules-based trade.

Amendment 7

Proposal for a regulation Recital 16

Text proposed by the Commission

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

Amendment

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

Amendment 8

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) After the adoption of Union response measures, the Commission should continuously assess the situation in relation to the third-country measures of economic coercion, the effectiveness of the Union

Amendment

(19) After the adoption of Union response measures, the Commission should continuously assess the situation in relation to the third-country measures of economic coercion, the effectiveness of the Union

response measures and their effects, with a view to adjusting, suspending or terminating the response measures accordingly. It is therefore necessary to set out the rules and procedures for amending, suspending and terminating Union response measures and the situations in which these are appropriate.

response measures and their effects, with a view to adjusting, suspending or terminating the response measures accordingly. It is therefore necessary to set out the rules and procedures for amending, suspending and terminating Union response measures and the situations in which these are appropriate. ***The Commission should keep the European Parliament and Council fully involved at every stage of the procedure by regularly reporting about the recent developments, the outcome of the review of the effectiveness of the countermeasures, as well as about the next steps it intends to take.***

Amendment 9

Proposal for a regulation

Recital 20

Text proposed by the Commission

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

Amendment

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

Amendment 10

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) It is important to ensure an effective communication and exchange of views and information between the Commission on the one hand and the European Parliament and the Council on the other, in particular on efforts to engage with the third country concerned to explore options with a view to obtaining the

Amendment

(21) It is important to ensure an effective communication and exchange of views and information between the Commission on the one hand and the European Parliament and the Council on the other, in particular on efforts to engage with the third country concerned to explore options with a view to obtaining the

cessation of the economic coercion and on matters that may lead to the adoption of Union response measures under this Regulation.

cessation of the economic coercion and on matters that may lead to the adoption of Union response measures under this Regulation. ***In general, the Commission should keep the European Parliament and the Council fully informed of ongoing developments at every stage of the procedure, from prior discussions to the notification of response measures.***

Amendment 11

Proposal for a regulation Recital 26

Text proposed by the Commission

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

Amendment

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

Amendment 12

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules and procedures in order to ensure the effective protection of the interests of the Union and its Member States where a third country seeks, through measures affecting trade or investment, to coerce the Union or a Member State into adopting or refraining

Amendment

1. This Regulation lays down rules and procedures in order to ensure the effective protection of the interests of the Union and its Member States ***and to safeguard the integrity and proper functioning of the internal market*** where a third country seeks, through measures

from adopting a particular act. This Regulation provides a framework for the Union to respond in such situations with the objective to deter, or have the third country desist from such actions, whilst permitting the Union, in the last resort, to counteract such actions.

affecting trade or investment, to coerce the Union or a Member State into adopting or refraining from adopting a particular act. ***Such coercion needs to be countered in order to preserve the legislative prerogatives of the Union and its Member States, the rule of law and the functioning of the internal market, as well as to prevent any possible distortions arising from coercive measures by a third country.*** This Regulation provides a framework for the Union to respond in such situations with the objective to deter, or have the third country desist from such actions, whilst permitting the Union, in the last resort, to counteract such actions.

Amendment 13

Proposal for a regulation

Article 1 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 14

Proposal for a regulation

Article 2 – paragraph 1 – indent 2

Text proposed by the Commission

— by applying or threatening to apply measures affecting trade or investment.

Amendment

— by applying or threatening to apply measures affecting ***the internal market,*** trade or investment.

Amendment 15

Proposal for a regulation

Article 2 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) *the financial and economic damage to a Member State's market or the internal market of the Union;*

Amendment 16

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

Amendment

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

deleted

Amendment 17

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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

2. The Commission may carry out the examination referred to in paragraph 1 on its own initiative or following information received from any ***other*** source. The Commission shall ***act when one or more Member States request such examination. The Commission shall act expeditiously and report to the European Parliament and the Council without delay about the outcome of its examination and the next steps it intends to adopt, and*** ensure the protection of confidential information in line with Article 12, which may include the identity of the supplier of the information.

Amendment 18

Proposal for a regulation

Article 3 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The Commission may seek information about the impact of the measures of the third country concerned.

3. The Commission may seek information about the impact of the measures of the third country concerned, *or act by directly assessing such impact on the internal market, where necessary.*

Amendment 19

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

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

Amendment

The Commission ***shall regularly inform the European Parliament and the Council of developments in the ongoing examination of third-country measures. It*** may publish a notice in the Official Journal of the European Union or through other suitable public communication means with an invitation to submit information within a specified time limit ***that shall not unduly delay the Commission's decision.*** In that event, the Commission shall notify the third country concerned of the initiation of the examination.

Amendment 20

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

Following an examination carried out in accordance with Article 3, the Commission shall adopt a decision determining whether the measure of the third country concerned meets the conditions set out in Article 2(1). The Commission shall act expeditiously ***and shall inform the European Parliament and the Council of that decision.***

Amendment 21

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

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

Amendment

Prior to adopting its decision, the Commission **shall** invite the third country concerned to submit its observations, ***within a specified time limit that shall not unduly delay the Commission's decision.***

Amendment 22

Proposal for a regulation

Article 5 – paragraph 1 – indent 2

Text proposed by the Commission

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

Amendment

— mediation, ***direct conciliation or conciliation through international entities,*** or good offices to assist the Union and the third country concerned in these efforts;

Amendment 23

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

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

Amendment

The Commission shall keep the European Parliament, ***affected Member States*** and the Council ***fully*** informed, ***in a timely manner,*** of developments ***in the engagement with the third country concerned at all stages of the process and of the next steps to be taken.***

Amendment 24

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) action is necessary to protect the interests and rights of the Union and its

Amendment

(b) action is ***proportionate and*** necessary to protect the interests and rights

Member States in that particular case, and

of the Union and its Member States *or to prevent disruption in the internal market* in that particular case, and

Amendment 25

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

In the implementing act, the Commission shall also determine the appropriate Union response from among the measures provided for in Annex I. Such measures may also apply with regard to natural or legal persons designated in accordance with Article 8. The Commission may also adopt measures which it can take pursuant to other legal instruments. ***Such measures shall not violate international law.***

Amendment 26

Proposal for a regulation

Article 7 – paragraph 6

Text proposed by the Commission

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

Amendment

6. On duly justified imperative grounds of urgency to avoid irreparable damage to the Union or its Member States ***or the internal market*** by the measures of economic coercion the Commission shall adopt immediately applicable implementing acts imposing Union response measures, in accordance with the procedure referred to in Article 15(3). The requirements set out in paragraphs 2 to 5 shall apply. Those acts shall remain in force for a period not exceeding three months. ***Where the Commission intends to adopt immediately applicable implementing acts pursuant to the first subparagraph of this paragraph, it shall inform the European Parliament and the Council before the adoption of such acts.***

Amendment 27

Proposal for a regulation

Article 7 – paragraph 7 – point b

Text proposed by the Commission

(b) provide as effective or more effective relief to ***economic operators*** within the Union affected by the measures of economic coercion;

Amendment

(b) provide as effective or more effective relief to ***actors*** within the Union affected by the measures of economic coercion;

Amendment 28

Proposal for a regulation

Article 7 – paragraph 7 – point b a (new)

Text proposed by the Commission

Amendment

(b a) provide as effective or more effective relief to the internal market remedying the impact of economic coercion;

Amendment 29

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

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

1. Any Union response measure shall not exceed the level that is commensurate with the injury suffered by the Union, ***the internal market*** or a Member State due to the third country's measures of economic coercion, taking into account the gravity of the third country's measures and the rights in question.

Amendment 30

Proposal for a regulation

Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 31

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

Text proposed by the Commission

(b) the potential of the measures to provide relief to economic operators within the Union affected by the economic coercion;

Amendment

(b) the potential of the measures to provide relief to **the internal market and its** economic operators **and other actors** within the Union affected by the economic coercion;

Amendment 32

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

Text proposed by the Commission

(c) the avoidance or minimisation of negative impacts on affected actors by Union response measures, including the availability of alternatives for affected actors, for example alternative sources of supply for goods or services;

Amendment

(c) the avoidance or minimisation of negative impacts on affected actors by Union response measures, including **long-term predictability and** the availability of alternatives for affected actors, for example alternative sources of supply for goods or services;

Amendment 33

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

Text proposed by the Commission

1. The Commission shall keep under

Amendment

1. The Commission shall keep under

review the measures of economic coercion deployed by a third country that have triggered the Union response measures, the effectiveness of the Union response measures adopted and their effects on the Union's interests and shall keep the European Parliament and the Council informed thereof.

regular review the measures of economic coercion deployed by a third country that have triggered the Union response measures, the effectiveness of the Union response measures adopted and their effects on the Union's interests and shall keep the European Parliament and the Council informed thereof.

Amendment 34

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 35

Proposal for a regulation

Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. A Member State that has been subject to economic coercion shall have the right to request the Commission to review the response measures, where that Member State considers that those measures are no longer effective in counteracting the coercion imposed by the third country. The Commission shall have the discretion to act.

Amendment 36

Proposal for a regulation

Article 10 – paragraph 4 – point d

Text proposed by the Commission

(d) where it is appropriate in light of the Union's interest.

Amendment

(d) where it is appropriate **and duly justified** in light of the Union's interest.

Amendment 37

Proposal for a regulation

Article 10 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Amendment 38

Proposal for a regulation

Article 11 – paragraph 4 – point a (new)

Text proposed by the Commission

Amendment

(aa) the impact of such measures on consumer welfare in the Union, on the economic and productivity growth of the Union and of the Member States, as well as the impact of such measures on businesses;

Amendment 39

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 40

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

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

Amendment

2. No later than **two** years after the adoption of the first implementing act under this Regulation or **five** years after the entry into force of this Regulation, whichever is earlier, **and at least every five years thereafter**, the Commission shall review this Regulation and its implementation, **accompanied where appropriate by relevant legislative proposals**, and shall report to the European Parliament and the Council.

Amendment 41

Proposal for a regulation
Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Nevertheless, by ... [two years after the entry into force of this Regulation] and every two years thereafter, the

Commission shall report to the European Parliament on the measures taken, the examinations assessed, the mediations carried out and the conclusions of the files.

Amendment 42

Proposal for a regulation Annex I – paragraph 1 – point d – point i

Text proposed by the Commission

(i) the exclusion from public procurement of goods, services or suppliers of goods *or* services of the third country concerned or the exclusion of tenders the total value of which is made up of more than a specified percentage of goods or services of the third country concerned; and/or

Amendment

(i) the exclusion from public procurement of goods, services, *works* or suppliers of goods, services *or works* of the third country concerned or the exclusion of tenders the total value of which is made up of more than a specified percentage of goods or services of the third country concerned; and/or

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	The protection of the Union and its Member States from economic coercion by third countries	
References	COM(2021)0775 – C9-0458/2021 – 2021/0406(COD)	
Committee responsible Date announced in plenary	INTA 27.1.2022	
Opinion by Date announced in plenary	IMCO 10.3.2022	
Rapporteur for the opinion Date appointed	Svenja Hahn 25.1.2022	
Discussed in committee	20.4.2022	16.5.2022
Date adopted	16.6.2022	
Result of final vote	+: 44	–: 0
	0:	0
Members present for the final vote	Pablo Arias Echeverría, Alessandra Basso, Brando Benifei, Adam Bielan, Andrea Caroppo, Anna Cavazzini, Dita Charanzová, Deirdre Clune, Alexandra Geese, Sandro Gozi, Maria Grapini, Krzysztof Hetman, Virginie Joron, Eugen Jurzyca, Arba Kokalari, Marcel Kolaja, Kateřina Konečná, Andrey Kovatchev, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Beata Mazurek, Leszek Miller, René Repasi, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Kim Van Sparrentak, Marion Walsmann	
Substitutes present for the final vote	Marco Campomenosi, Maria da Graça Carvalho, Geoffroy Didier, Malte Gallée, Stelios Kouloglou, Karen Melchior, Tsvetelina Penkova, Antonio Maria Rinaldi, Marc Tarabella, Kosma Złotowski	
Substitutes under Rule 209(7) present for the final vote	Nicola Beer, Rosanna Conte, Vlad Gheorghe, Ondřej Kovařík	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

44	+
ECR	Adam Bielan, Eugen Jurzyca, Beata Mazurek, Kosma Złotowski
ID	Alessandra Basso, Marco Campomenosi, Rosanna Conte, Virginie Joron, Antonio Maria Rinaldi
PPE	Pablo Arias Echeverría, Andrea Caroppo, Maria da Graça Carvalho, Deirdre Clune, Geoffroy Didier, Krzysztof Hetman, Arba Kokalari, Andrey Kovatchev, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Marion Walsmann
RENEW	Nicola Beer, Dita Charanzová, Vlad Gheorghe, Sandro Gozi, Ondřej Kovařík, Karen Melchior, Róza Thun und Hohenstein
S&D	Brando Benifei, Maria Grapini, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Leszek Miller, Tsvetelina Penkova, René Repasi, Christel Schaldemose, Marc Tarabella
THE LEFT	Kateřina Konečná, Stelios Kouloglou
VERTS/ALE	Anna Cavazzini, Malte Gallée, Alexandra Geese, Marcel Kolaja, Kim Van Sparrentak

0	-

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention