



2021/0114(COD)

11.2.2022

AMENDMENTS

56 - 295

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 56

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

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) A strong, open and competitive internal market enables both European and foreign undertakings to compete on merits. The Union benefits from a sophisticated and effective system of State aid control, aiming at ensuring fair conditions for all undertakings engaging in **an** economic activity in the internal market. This State aid control system prevents Member States from granting State aid that unduly distorts competition in the internal market.

Amendment

(1) A strong, open and competitive internal market enables both European and foreign undertakings to compete on merits. The Union benefits from a sophisticated and effective system of State aid control, aiming at ensuring fair conditions for all undertakings engaging in **any** economic activity in the internal market. This State aid control system prevents Member States from granting State aid that unduly distorts competition in the internal market.

Or. en

Amendment 57

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) At the same time, undertakings might receive subsidies from third countries, **that provide public funds** which are then used, for instance, to finance economic activities in the internal market in any sector of the economy, such as participation in public procurement tenders, or acquisitions of undertakings, including those with strategic assets such as critical infrastructure and innovative technologies. Such subsidies are currently not subject to Union State aid rules.

Amendment

(2) At the same time, undertakings might receive subsidies from third countries which are then used, for instance, to finance economic activities in the internal market in any sector of the economy, such as participation in public procurement tenders, or acquisitions of undertakings, including those with strategic assets such as critical infrastructure and innovative technologies. Such subsidies are currently not subject to Union State aid rules.

Or. en

Amendment 58
Carles Puigdemont i Casamajó

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) At the same time, undertakings might receive subsidies from third countries, that provide public funds which are then used, for instance, to finance economic activities in the internal market in any sector of the economy, such as participation in public procurement tenders, or acquisitions of undertakings, including those with strategic assets such as critical infrastructure and innovative technologies. Such subsidies are currently not subject to Union State aid rules.

Amendment

(2) At the same time, undertakings might receive subsidies from third countries, that provide public funds which are then used, for instance, to finance economic activities in the internal market in any sector of the economy, such as participation in public procurement tenders, or acquisitions of undertakings, including those with strategic assets such as critical infrastructure and innovative technologies. Such subsidies are currently not subject to Union State aid rules ***and, in the last decades, different third countries have increased this practice of giving out subsidies both with the objective to strengthen their respective national trading interests all over the world, as well as their geopolitical purposes.***

Or. en

Amendment 59
Carles Puigdemont i Casamajó

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Foreign subsidies ***can*** distort the internal market and undermine the level playing field for various economic activities in the Union. This could in particular occur in the context of concentrations entailing a change of control over Union undertakings, where such concentrations are fully or partially financed through foreign subsidies, or if undertakings benefiting from foreign subsidies are awarded public contracts in

Amendment

(3) ***Therefore,*** foreign subsidies distort the internal market and undermine the level playing field for various economic activities in the Union. This could in particular occur in the context of concentrations entailing a change of control over Union undertakings, where such concentrations are fully or partially financed through foreign subsidies, or if undertakings benefiting from foreign subsidies are awarded public contracts in

the Union.

the Union.

Or. en

Amendment 60

José Manuel García-Margallo y Marfil

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) No existing Union instruments ***address distortions caused by*** foreign subsidies. Trade defence instruments enable the Commission to act when subsidised goods are imported into the Union, but not when foreign subsidies take the form of subsidised investments, or when services and financial flows are concerned. Under the WTO Agreement on Subsidies and Countervailing Measures, the Union has the possibility to initiate State-to-State dispute settlement against certain foreign subsidies granted by WTO members and limited to goods.

Amendment

(4) No existing Union instruments ***are such as to deter foreign governments from distorting the internal market through*** subsidies. Trade defence instruments enable the Commission to act when subsidised goods are imported into the Union, but not when foreign subsidies take the form of subsidised investments, or when services and financial flows are concerned. Under the WTO Agreement on Subsidies and Countervailing Measures, the Union has the possibility to initiate State-to-State dispute settlement against certain foreign subsidies granted by WTO members and limited to goods.

Or. es

Amendment 61

Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmaz Paet, Samira Rafaela, Morten Løkkegaard

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) It is therefore necessary to complement existing Union instruments with a new tool to effectively deal with distortions in the internal market caused by foreign subsidies and ensure a level playing field. In particular, the new tool complements Union State aid rules which

Amendment

(5) It is therefore necessary to complement existing Union instruments with a new tool to effectively deal with distortions in the internal market caused by foreign subsidies and ensure a level playing field. In particular, the new tool complements Union State aid rules which

deal with distortions in the internal market caused by Member State subsidies.

deal with distortions in the internal market caused by Member State subsidies. ***In parallel, the Union should promote effective rules on subsidies at multilateral level.***

Or. en

Amendment 62
Carles Puigdemont i Casamajó

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) It is therefore necessary to complement existing Union instruments with a new tool to effectively deal with distortions in the internal market caused by foreign subsidies and ensure a level playing field. In particular, the new tool complements Union State aid rules which deal with distortions in the internal market caused by Member State subsidies.

Amendment

(5) It is therefore necessary to complement existing Union instruments with a new tool to effectively deal with distortions in the internal market caused by foreign subsidies and ensure a level playing field ***and the Union's strategic autonomy.*** In particular, the new tool complements Union State aid rules which deal with distortions in the internal market caused by Member State subsidies.

Or. en

Amendment 63
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Løkkegaard

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) Rules and procedures to investigate foreign subsidies that actually or potentially distort the internal market should be laid down and, where relevant, those distortions should be redressed. Foreign subsidies could distort the internal market if the undertaking benefitting from the foreign subsidy engages in an

Amendment

(6) Rules and procedures to investigate foreign subsidies that actually or potentially distort the internal market should be laid down and, where relevant, those distortions should be redressed. Foreign subsidies could distort the internal market if the undertaking benefitting from the foreign subsidy engages in an

economic activity in the Union. This Regulation should therefore establish rules for all undertakings engaging in an economic activity in the Union. Given the significance of the economic activities pursued by SMEs, and their contribution to the fulfilment of the Union's key policy goals, special attention is given to the impact of this Regulation on them.

economic activity in the Union. ***The proper application and enforcement of this Regulation will contribute to the resilience of the internal market against distortions caused by external economic actors.*** This Regulation should therefore establish rules for all undertakings engaging in an economic activity in the Union. Given the significance of the economic activities pursued by SMEs, and their contribution to the fulfilment of the Union's key policy goals, special attention is given to the impact of this Regulation on them.

Or. en

Amendment 64

Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Rules and procedures to investigate foreign subsidies that actually or potentially distort the internal market should be laid down and, where relevant, those distortions should be redressed. Foreign subsidies could distort the internal market if the undertaking benefitting from the foreign subsidy engages in ***an*** economic activity in the Union. This Regulation should therefore establish rules for all undertakings engaging in ***an*** economic activity in the Union. Given the significance of the economic activities pursued by SMEs, and their contribution to the fulfilment of the Union's key policy goals, special attention is given to the impact of this Regulation on them.

Amendment

(6) Rules and procedures to investigate foreign subsidies that actually or potentially distort the internal market should be laid down and, where relevant, those distortions should be redressed. Foreign subsidies could distort the internal market if the undertaking benefitting from the foreign subsidy engages in ***any*** economic activity in the Union. This Regulation should therefore establish rules for all undertakings engaging in ***any*** economic activity in the Union. Given the significance of the economic activities pursued by SMEs, and their contribution to the fulfilment of the Union's key policy goals, special attention is given to the impact of this Regulation on them.

Or. en

Amendment 65

Gilles Lebreton

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) To ensure a level playing field throughout the internal market and consistency in the application of this Regulation, the Commission should be the **sole** authority competent to apply this Regulation. The Commission should have the power to examine any foreign subsidy to the extent it is in the scope of this Regulation in any sector of the economy on its own initiative relying on information from all available sources. To ensure effective control, in the specific case of large concentrations (mergers and acquisitions) and public procurement procedures above certain thresholds, the Commission should have the power to review foreign subsidies based on a prior notification by the undertaking to the Commission.

Amendment

(7) To ensure a level playing field throughout the internal market and consistency in the application of this Regulation, the Commission should be the **main** authority competent to apply this Regulation. The Commission should have the power to examine any foreign subsidy to the extent it is in the scope of this Regulation in any sector of the economy on its own initiative **or at the request of the competent national authorities**, relying on information from all available sources. To ensure effective control, in the specific case of large concentrations (mergers and acquisitions) and public procurement procedures above certain thresholds, the Commission should have the power to review foreign subsidies based on a prior notification by the undertaking to the Commission.

Or. fr

Amendment 66

Enikő Győri, Ernő Schaller-Baross

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) To ensure a level playing field throughout the internal market and consistency in the application of this Regulation, the Commission should be the sole authority competent to apply this Regulation. The Commission should have the power to examine any foreign subsidy to the extent it is in the scope of this Regulation in any sector of the economy on its own initiative relying on information

Amendment

(7) To ensure a level playing field throughout the internal market and consistency in the application of this Regulation, the Commission should be the sole authority competent to apply this Regulation. The Commission should have the power to examine any foreign subsidy to the extent it is in the scope of this Regulation in any sector of the economy on its own initiative **or at the request of the**

from all available sources. To ensure effective control, in the specific case of large concentrations (mergers and acquisitions) and public procurement procedures above certain thresholds, the Commission should have the power to review foreign subsidies based on a prior notification by the undertaking to the Commission.

competent national authorities, and relying on information from all available sources. To ensure effective control, in the specific case of large concentrations (mergers and acquisitions) and public procurement procedures above certain thresholds, the Commission should have the power to review foreign subsidies based on a prior notification by the undertaking to the Commission.

Or. en

Amendment 67

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

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) To ensure a level playing field throughout the internal market and consistency in the application of this Regulation, the Commission should be the sole authority competent to apply this Regulation. The Commission should have the power to examine any foreign subsidy to the extent it is in the scope of this Regulation in any sector of the economy on its own initiative relying on information from all available sources. To ensure effective control, in the specific case of large concentrations (mergers and acquisitions) and public procurement procedures above certain thresholds, the Commission should have the power to review foreign subsidies based on a prior notification by the undertaking to the Commission.

Amendment

(7) To ensure a level playing field throughout the internal market and consistency in the application of this Regulation, the Commission should be the sole authority competent to apply this Regulation, ***in close cooperation with Member States***. The Commission should have the power to examine any foreign subsidy to the extent it is in the scope of this Regulation in any sector of the economy on its own initiative relying on information from all available sources. To ensure effective control, in the specific case of large concentrations (mergers and acquisitions) and public procurement procedures above certain thresholds, the Commission should have the power to review foreign subsidies based on a prior notification by the undertaking to the Commission. ***The Commission shall consult and inform Member States and the Parliament in all stages of the process in due time.***

Or. en

Amendment 68

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) To ensure a level playing field throughout the internal market and consistency in the application of this Regulation, the Commission should be the sole authority competent to apply this Regulation. The Commission should have the power to examine any foreign subsidy to the extent it is in the scope of this Regulation in any sector of the economy on its own initiative relying on information from all available sources. To ensure effective control, in the specific case of large concentrations (mergers and acquisitions) and public procurement procedures above certain thresholds, the Commission should have the power to review foreign subsidies based on a prior notification by the undertaking to the Commission.

Amendment

(7) To ensure a level playing field throughout the internal market and consistency in the application of this Regulation, the Commission should be the sole authority competent to apply this Regulation. The Commission should have the power to examine any foreign subsidy to the extent it is in the scope of this Regulation in any sector of the economy on its own initiative relying on information from all available sources, ***including Member States, Member States' trade associations and EU-wide social partners.*** To ensure effective control, in the specific case of large concentrations (mergers and acquisitions) and public procurement procedures above certain thresholds, the Commission should have the power to review foreign subsidies based on a prior notification by the undertaking to the Commission.

Or. en

Amendment 69

José Manuel García-Margallo y Marfil

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) To ensure a level playing field throughout the internal market and consistency in the application of this Regulation, the Commission should be the sole authority competent to apply this Regulation. The Commission should have the power to examine any foreign subsidy

Amendment

(7) To ensure a level playing field throughout the internal market and consistency in the application of this Regulation, the Commission should be the sole authority competent to apply this Regulation. The Commission should have the power to examine any foreign subsidy

to the extent it is in the scope of this Regulation in any sector of the economy on its own initiative relying on information from all available sources. To ensure effective control, in the specific case of large concentrations (mergers and acquisitions) and public procurement procedures above certain thresholds, the Commission should have the power to review foreign subsidies based on a prior notification by the undertaking to the Commission.

to the extent it is in the scope of this Regulation in any sector of the economy on its own initiative relying on information from all available sources. To ensure effective control, in the specific case of large concentrations (mergers and acquisitions) and public procurement procedures above certain thresholds, the Commission should have the power to review foreign subsidies based on a prior, **mandatory** notification by the undertaking to the Commission.

Or. es

Amendment 70
Dita Charanzová

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) Foreign subsidy in the context of this Regulation should be understood as an intervention that meets three cumulative conditions.

Amendment

(8) Foreign subsidy in the context of this Regulation should be understood as an intervention that meets three cumulative conditions ***based on international rules laid down in the WTO Agreement on Subsidies and Countervailing Measures and EU rules on State aid.***

Or. en

Amendment 71
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Løkkegaard

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) There should be a financial contribution provided, directly or indirectly, by ***the public authorities of*** a third country. The financial contribution

Amendment

(9) There should be a financial contribution provided, directly or indirectly, by a third country. The financial contribution may be granted through public

may be granted through public or private entities. Whether a public entity provides a financial contribution should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the country in which the entity operates including the government's role in the economy. Financial contributions may also be granted through a private entity if its actions can be attributed to the third country.

or private entities. Whether a public entity provides a financial contribution should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the *third* country in which the entity operates including the government's role in the economy *of that third country*. Financial contributions may also be granted through a private entity if its actions can be attributed to the third country. *A financial contribution includes the privileged access to the domestic market that an undertaking has, for instance due to special or exclusive rights that were granted to an undertaking without receiving adequate remuneration in conformity with market rates. Such a privileged access could lead to an unfair competitive advantage and create distortions in the internal market.*

Or. en

Amendment 72

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

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) There should be a financial contribution provided, directly or indirectly, by the public authorities of a third country. The financial contribution may be granted through public or private entities. Whether a public entity provides a financial contribution should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the country in which the entity operates including the government's role in the economy. Financial contributions may also be granted through a private entity if its

Amendment

(9) There should be a financial contribution *or any other advantage* provided, directly or indirectly, by the public authorities of a third country. The financial contribution *or advantage* may be granted through public or private entities. Whether a public entity provides a financial contribution *or advantage* should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the country in which the entity operates including the government's role in the economy. Financial contributions *or*

actions can be attributed to the third country.

advantage may also be granted through a private entity if its actions can be attributed to the third country.

Or. en

Amendment 73

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) There should be a financial contribution provided, directly or indirectly, by the public authorities of a third country. The financial contribution may be granted through public or private entities. Whether a public entity provides a financial contribution should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the country in which the entity operates including the government's role in the economy. Financial contributions may also be granted through a private entity if its actions can be attributed to the third country.

Amendment

(9) There should be a financial contribution *or an economically equivalent support measure* provided, directly or indirectly, by the public authorities of a third country. The financial contribution *or an economically equivalent support measure provided* may be granted through public or private entities. Whether a public entity provides a financial contribution *or an economically equivalent support measure provided* should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the country in which the entity operates including the government's role in the economy. Financial contributions *or economically equivalent support measures provided* may also be granted through a private entity if its actions can be *plausibly* attributed to the third country.

Or. en

Amendment 74

Daniel Caspary

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) There should be a financial contribution provided, directly or indirectly, by the public authorities of a third country. The financial contribution may be granted through public or private entities. Whether a public entity provides a financial contribution should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the country in which the entity operates including the government's role in the economy. Financial contributions may also be granted through a private entity if its actions can be attributed to the third country.

Amendment

(9) There should be a financial contribution provided, directly or indirectly, by the public authorities of a third country. The financial contribution may be granted through public or private entities. Whether a public entity provides a financial contribution should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the country in which the entity operates including the government's role in the economy. Financial contributions may also be granted through a private entity if its actions can be attributed to the third country. ***Special or exclusive rights that are not adequately remunerated, could also be considered as a financial contribution.***

Or. en

Amendment 75

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

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) There should be a financial contribution provided, directly or indirectly, by the public authorities of a third country. The financial contribution may be granted through public or private entities. Whether a public entity provides a financial contribution should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the country in which the entity operates including the government's role in the economy. Financial contributions may also

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(9) There should be a financial contribution provided, directly or indirectly, by the public authorities of a third country. The financial contribution may be granted through public or private entities. Whether a public entity provides a financial contribution should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the country in which the entity operates including the government's role in the economy. Financial contributions may also

be granted through a private entity if its actions can be attributed to the third country.

be granted through a private entity if its actions can be attributed to the third country. ***A dominant market position in a third country such as a monopoly could also be considered as a financial contribution.***

Or. en

Amendment 76
Geert Bourgeois

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) There should be a financial contribution provided, directly or indirectly, by the public authorities of a third country. The financial contribution may be granted through public or private entities. Whether a public entity provides a financial contribution should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the country in which the entity operates including the government's role in the economy. Financial contributions may also be granted through a private entity if its actions can be attributed to the third country.

Amendment

(9) There should be a financial contribution ***or any other advantage*** provided, directly or indirectly, by the public authorities of a third country. The financial contribution ***or advantage*** may be granted through public or private entities. Whether a public entity provides a financial contribution ***or advantage*** should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the country in which the entity operates including the government's role in the economy. Financial contributions ***or advantages*** may also be granted through a private entity if its actions can be attributed to the third country.

Or. en

Amendment 77
Carles Puigdemont i Casamajó

Proposal for a regulation
Recital 9 a (new)

(9 a) *The Commission should also consider as a financial contribution any privileged access of an undertaking to its own domestic market, such as, but not only, exclusive rights of entry, or lower administrative barriers. The Commission should assess this type of financial contribution on a case-by-case basis.*

Or. en

Amendment 78

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Such a financial contribution should confer a benefit to an undertaking engaging in an economic activity in the internal market. A financial contribution that benefits an entity engaging in non-economic activities does not constitute a foreign subsidy. The existence of a benefit should be determined on the basis of comparative benchmarks, such as the investment practice of private investors, rates for financing obtainable on the market, a comparable tax treatment, or the adequate remuneration for a given good or service.. If no directly comparable benchmarks are available, existing benchmarks could be adjusted or alternative benchmarks could be established based on generally accepted assessment methods.

Amendment

(10) Such a financial contribution ***or economically equivalent support measure*** should confer a benefit to an undertaking engaging in an economic activity in the internal market. A financial contribution ***or an economically equivalent support measure*** that benefits an entity engaging in non-economic activities does not constitute a foreign subsidy. The existence of a benefit should be determined on the basis of comparative benchmarks, such as the investment practice of private investors, rates for financing obtainable on the market, a comparable tax treatment, or the adequate remuneration for a given good or service.. If no directly comparable benchmarks are available, existing benchmarks could be adjusted or alternative benchmarks could be established based on generally accepted assessment methods.

Or. en

Amendment 79

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

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Such a financial contribution should confer a benefit to **an** undertaking engaging in an economic activity in the internal market. A financial contribution that benefits an entity engaging in non-economic activities does not constitute a foreign subsidy. The existence of a benefit should be determined on the basis of comparative benchmarks, such as the investment practice of private investors, rates for financing obtainable on the market, a comparable tax treatment, or the adequate remuneration for a given good or service.. If no directly comparable benchmarks are available, existing benchmarks could be adjusted or alternative benchmarks could be established based on generally accepted assessment methods.

Amendment

(10) Such a financial contribution **or advantage** should confer a benefit to **any** undertaking engaging in an economic activity in the internal market. A financial contribution **or advantage** that benefits an entity engaging in non-economic activities does not constitute a foreign subsidy. The existence of a benefit should be determined on the basis of comparative benchmarks, such as the investment practice of private investors, rates for financing obtainable on the market, a comparable tax treatment, or the adequate remuneration for a given good or service.. If no directly comparable benchmarks are available, existing benchmarks could be adjusted or alternative benchmarks could be established based on generally accepted assessment methods.

Or. en

Amendment 80

Geert Bourgeois

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Such a financial contribution should confer a benefit to an undertaking engaging in an economic activity in the internal market. A financial contribution that benefits an entity engaging in non-economic activities does not constitute a foreign subsidy. The existence of a benefit should be determined on the basis of comparative benchmarks, such as the investment practice of private investors,

Amendment

(10) Such a financial contribution **or advantage** should confer a benefit to an undertaking engaging in an economic activity in the internal market. A financial contribution **or advantage** that benefits an entity engaging in non-economic activities does not constitute a foreign subsidy. The existence of a benefit should be determined on the basis of comparative benchmarks, such as the investment practice of private

rates for financing obtainable on the market, a comparable tax treatment, or the adequate remuneration for a given good or service.. If no directly comparable benchmarks are available, existing benchmarks could be adjusted or alternative benchmarks could be established based on generally accepted assessment methods.

investors, rates for financing obtainable on the market, a comparable tax treatment, or the adequate remuneration for a given good or service.. If no directly comparable benchmarks are available, existing benchmarks could be adjusted or alternative benchmarks could be established based on generally accepted assessment methods.

Or. en

Amendment 81

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

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) ***Such*** a financial contribution should confer a benefit to an undertaking engaging in an economic activity in the internal market. A financial contribution that benefits an entity engaging in non-economic activities does not constitute a foreign subsidy. The existence of a benefit should be determined on the basis of comparative benchmarks, such as the investment practice of private investors, rates for financing obtainable on the market, a comparable tax treatment, or the adequate remuneration for a given good or service.. If no directly comparable benchmarks are available, existing benchmarks could be adjusted or alternative benchmarks could be established based on generally accepted assessment methods.

Amendment

(10) A financial contribution should confer a benefit to an undertaking engaging in an economic activity in the internal market. A financial contribution that benefits an entity engaging in non-economic activities does not constitute a foreign subsidy. The existence of a benefit should be determined on the basis of comparative benchmarks, such as the investment practice of private investors, rates for financing obtainable on the market, a comparable tax treatment, or the adequate remuneration for a given good or service.. If no directly comparable benchmarks are available, existing benchmarks could be adjusted or alternative benchmarks could be established based on generally accepted assessment methods.

Or. en

Amendment 82

Daniel Caspary

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) A foreign subsidy is considered granted from the moment the beneficiary has an entitlement to receive the subsidy. The actual payment of the subsidy is not a necessary condition for bringing a subsidy within the scope of this Regulation.

Or. en

Amendment 83
Emmanuel Maurel

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

(12) Once the existence of a foreign subsidy is established, the Commission should assess whether the foreign subsidy distorts the internal market. Unlike State aid granted by a Member State, foreign subsidies are not generally prohibited. Subsidies in the form of export financing may be a cause of particular concern because of their distortive effects. This is not the case if such financing is provided in line with the OECD Arrangement on officially supported export credits. The Commission should assess on a case-by-case basis whether a foreign subsidy distorts the internal market.

(12) Once the existence of a foreign subsidy is established, the Commission should assess whether the foreign subsidy distorts the internal market. Unlike State aid granted by a Member State, foreign subsidies are not generally prohibited. ***This asymmetry should incentivise the EU to revise its own rules to offer better support to companies through State aid and to help implement an industrial strategy capable of boosting EU creation of value and jobs.*** Subsidies in the form of export financing may be a cause of particular concern because of their distortive effects. This is not the case if such financing is provided in line with the OECD Arrangement on officially supported export credits. The Commission should assess on a case-by-case basis whether a foreign subsidy distorts the internal market.

Or. fr

Amendment 84

Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) Once the existence of a foreign subsidy is established, the Commission should assess whether the foreign subsidy distorts the internal market. Unlike State aid granted by a Member State, foreign subsidies are not generally **prohibited**. Subsidies in the form of export financing may be a cause of particular concern because of their distortive effects. This is not the case if such financing is provided in line with the OECD Arrangement on officially supported export credits. The Commission should assess on a case-by-case basis whether a foreign subsidy distorts the internal market.

Amendment

(12) Once the existence of a foreign subsidy is established, the Commission should assess whether the foreign subsidy distorts the internal market. Unlike State aid granted by a Member State, foreign subsidies are not generally **subject to equivalent forms of State Aid control**. Subsidies in the form of export financing may be a cause of particular concern because of their distortive effects. This is not the case if such financing is provided in line with the OECD Arrangement on officially supported export credits. The Commission should assess on a case-by-case basis whether a foreign subsidy distorts the internal market.

Or. en

Amendment 85
Daniel Caspary

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) When applying these indicators, the Commission could take into account different elements such as the size of the subsidy in absolute terms or in relation to the size of the market or to the value of the investment. For instance, a concentration, in the context of which a foreign subsidy covers a substantial part of the purchase price of the target, is likely to be distortive. Similarly, foreign subsidies covering a substantial part of the estimated value of a contract to be awarded in a public procurement procedure are likely to cause

Amendment

(14) When applying these indicators, the Commission could take into account different elements such as the size of the subsidy in absolute terms or in relation to the size of the market or to the value of the investment. For instance, a concentration, in the context of which a foreign subsidy covers a substantial part of the purchase price of the target, is likely to be distortive. Similarly, foreign subsidies covering a substantial part of the estimated value of a contract to be awarded in a public procurement procedure

distortions. If a foreign subsidy is granted for operating costs, it seems more likely to cause distortions than if it is granted for investment costs. Foreign subsidies to small and medium-sized undertakings may be considered less likely to cause distortions than foreign subsidies to large undertakings. Furthermore, the characteristics of the market, and in particular the competitive conditions on the market, such as barriers to entry, should be taken into account. Foreign subsidies leading to overcapacity by sustaining uneconomic assets or by encouraging investment in capacity expansions that would otherwise not have been built are likely to cause distortions. A foreign subsidy to a beneficiary that shows a low degree of activity in the internal market, measured for instance in terms of turnover achieved in the Union, is less likely to cause distortions than a foreign subsidy to a beneficiary that has a more significant level of activity in the internal market. **Finally**, foreign subsidies not exceeding EUR 5 million should be deemed, as a general rule, unlikely to distort the internal market within the meaning of this Regulation.

are likely to cause distortions. If a foreign subsidy is granted for operating costs, it seems more likely to cause distortions than if it is granted for investment costs. Foreign subsidies to small and medium-sized undertakings may be considered less likely to cause distortions than foreign subsidies to large undertakings. Furthermore, the characteristics of the market, and in particular the competitive conditions on the market, such as barriers to entry, should be taken into account. Foreign subsidies leading to overcapacity by sustaining uneconomic assets or by encouraging investment in capacity expansions that would otherwise not have been built **or bought** are likely to cause distortions. A foreign subsidy to a beneficiary that shows a low degree of activity in the internal market, measured for instance in terms of turnover achieved in the Union, is less likely to cause distortions than a foreign subsidy to a beneficiary that has a more significant level of activity in the internal market. ***The evolution of the economic activity can also be taken into account to enable the Commission to take action when an undertaking's level of activity is small, but is expected to grow strongly. The Commission may consider in its assessment of a distortion whether a third country has in place an effective system for the control of subsidies which is at least equivalent to the system in the Union and which would make subsidies granted by such a third country less likely to distort the internal market within the meaning of this Regulation. The Commission should therefore encourage third countries to develop such systems of subsidy control, including by concluding and enforcing bilateral agreements which include substantive level playing field provisions and by encouraging third countries to comply with international subsidy obligations and align with the Union on initiatives with regard to improving international rules on subsidies and competitive neutrality,***

notably within the WTO. Foreign subsidies not exceeding EUR 5 million should be deemed, as a general rule, unlikely to distort the internal market within the meaning of this Regulation. *The Commission should draft and publish guidelines with further details for assessing the distortive nature of a subsidy in order to provide legal certainty for all market participants. The guidelines should also provide examples and typical cases of distortive and non-distortive subsidies.*

Or. en

Amendment 86

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

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) When applying these indicators, the Commission could take into account different elements such as the size of the subsidy in absolute terms or in relation to the size of the market or to the value of the investment. For instance, a concentration, in the context of which a foreign subsidy covers a substantial part of the purchase price of the target, is likely to be distortive. Similarly, foreign subsidies covering a substantial part of the estimated value of a contract to be awarded in a public procurement procedure are likely to cause distortions. If a foreign subsidy is granted for operating costs, it seems more likely to cause distortions than if it is granted for investment costs. Foreign subsidies to small and medium-sized undertakings may be considered less likely to cause distortions than foreign subsidies to large undertakings. Furthermore, the characteristics of the market, and in particular the competitive conditions on the market, such as barriers to entry, should be

Amendment

(14) When applying these indicators, the Commission could take into account different elements such as the size of the subsidy in absolute terms or in relation to the size of the market or to the value of the investment. For instance, a concentration, in the context of which a foreign subsidy covers a substantial part of the purchase price of the target, is likely to be distortive. Similarly, foreign subsidies covering a substantial part of the estimated value of a contract to be awarded in a public procurement procedure are likely to cause distortions. If a foreign subsidy is granted for operating costs, it seems more likely to cause distortions than if it is granted for investment costs. Foreign subsidies to small and medium-sized undertakings may be considered less likely to cause distortions than foreign subsidies to large undertakings. Furthermore, the characteristics of the market, and in particular the competitive conditions on the market, such as barriers to entry, should be

taken into account. Foreign subsidies leading to overcapacity by sustaining uneconomic assets or by encouraging investment in capacity expansions that would otherwise not have been built are likely to cause distortions. A foreign subsidy to a beneficiary that shows a low degree of activity in the internal market, measured for instance in terms of turnover achieved in the Union, is less likely to cause distortions than a foreign subsidy to a beneficiary that has a more significant level of activity in the internal market. Finally, foreign subsidies not exceeding EUR **5 million** should be deemed, as a general rule, unlikely to distort the internal market within the meaning of this Regulation.

taken into account. Foreign subsidies leading to overcapacity by sustaining uneconomic assets or by encouraging investment in capacity expansions that would otherwise not have been built are likely to cause distortions. A foreign subsidy to a beneficiary that shows a low degree of activity in the internal market, measured for instance in terms of turnover achieved in the Union, is less likely to cause distortions than a foreign subsidy to a beneficiary that has a more significant level of activity in the internal market. Finally, foreign subsidies not exceeding EUR **200.000** should be deemed, as a general rule, unlikely to distort the internal market within the meaning of this Regulation *if the undertaking is established in the internal market, and EUR 5 million if the undertaking is established in a third country. The Commission should make available guidelines to clarify the assessment of the distortive nature of a foreign subsidy and provide legal certainty to undertakings.*

Or. en

Amendment 87
José Manuel García-Margallo y Marfil

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) When applying these indicators, the Commission could take into account different elements such as the size of the subsidy in absolute terms or in relation to the size of the market or to the value of the investment. For instance, a concentration, in the context of which a foreign subsidy covers a substantial part of the purchase price of the target, is likely to be distortive. Similarly, foreign subsidies covering a substantial part of the estimated value of a contract to be awarded in a public

Amendment

(14) When applying these indicators, the Commission could take into account different elements such as the size of the subsidy in absolute terms or in relation to the size of the market or to the value of the investment. For instance, a concentration, in the context of which a foreign subsidy covers a substantial part of the purchase price of the target, is likely to be distortive. Similarly, foreign subsidies covering a substantial part of the estimated value of a contract to be awarded in a public

procurement procedure are likely to cause distortions. If a foreign subsidy is granted for operating costs, it seems more likely to cause distortions than if it is granted for investment costs. Foreign subsidies to small and medium-sized undertakings may be considered less likely to cause distortions than foreign subsidies to large undertakings. Furthermore, the characteristics of the market, and in particular the competitive conditions on the market, such as barriers to entry, should be taken into account. Foreign subsidies leading to overcapacity by sustaining uneconomic assets or by encouraging investment in capacity expansions that would otherwise not have been built are likely to cause distortions. A foreign subsidy to a beneficiary that shows a low degree of activity in the internal market, measured for instance in terms of turnover achieved in the Union, is less likely to cause distortions than a foreign subsidy to a beneficiary that has a more significant level of activity in the internal market. Finally, foreign subsidies not exceeding EUR 5 million should be deemed, as a general rule, unlikely to distort the internal market within the meaning of this Regulation.

procurement procedure are likely to cause distortions. If a foreign subsidy is granted for operating costs, it seems more likely to cause distortions than if it is granted for investment costs. Foreign subsidies to small and medium-sized undertakings may be considered less likely to cause distortions than foreign subsidies to large undertakings. Furthermore, the characteristics of the market, and in particular the competitive conditions on the market, such as barriers to entry, should be taken into account. Foreign subsidies leading to overcapacity by sustaining uneconomic assets or by encouraging investment in capacity expansions that would otherwise not have been built are likely to cause distortions. A foreign subsidy to a beneficiary that shows a low degree of activity in the internal market, measured for instance in terms of turnover achieved in the Union, is less likely to cause distortions than a foreign subsidy to a beneficiary that has a more significant level of activity in the internal market. Finally, foreign subsidies not exceeding EUR 1 million should be deemed, as a general rule, unlikely to distort the internal market within the meaning of this Regulation.

Or. es

Amendment 88

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) When applying these indicators, the Commission could take into account different elements such as the size of the subsidy in absolute terms or in relation to the size of the market or to the value of the investment. For instance, a concentration,

Amendment

(14) When applying these indicators, the Commission could take into account different elements such as the size of the subsidy in absolute terms or in relation to the size of the market or to the value of the investment. For instance, a concentration,

in the context of which a foreign subsidy covers a substantial part of the purchase price of the target, is likely to be distortive. Similarly, foreign subsidies covering a substantial part of the estimated value of a contract to be awarded in a public procurement procedure are likely to cause distortions. If a foreign subsidy is granted for operating costs, it seems more likely to cause distortions than if it is granted for investment costs. Foreign subsidies to small and medium-sized undertakings may be considered less likely to cause distortions than foreign subsidies to large undertakings. Furthermore, the characteristics of the market, and in particular the competitive conditions on the market, such as barriers to entry, should be taken into account. Foreign subsidies leading to overcapacity by sustaining uneconomic assets or by encouraging investment in capacity expansions that would otherwise not have been built are likely to cause distortions. A foreign subsidy to a beneficiary that shows a low degree of activity in the internal market, measured for instance in terms of turnover achieved in the Union, is less likely to cause distortions than a foreign subsidy to a beneficiary that has a more significant level of activity in the internal market. Finally, foreign subsidies not exceeding **EUR 5 million** should be deemed, as a general rule, unlikely to distort the internal market within the meaning of this Regulation.

in the context of which a foreign subsidy covers a substantial part of the purchase price of the target, is likely to be distortive. Similarly, foreign subsidies covering a substantial part of the estimated value of a contract to be awarded in a public procurement procedure are likely to cause distortions. If a foreign subsidy is granted for operating costs, it seems more likely to cause distortions than if it is granted for investment costs. Foreign subsidies to small and medium-sized undertakings may be considered less likely to cause distortions than foreign subsidies to large undertakings. Furthermore, the characteristics of the market, and in particular the competitive conditions on the market, such as barriers to entry, should be taken into account. Foreign subsidies leading to overcapacity by sustaining uneconomic assets or by encouraging investment in capacity expansions that would otherwise not have been built are likely to cause distortions. A foreign subsidy to a beneficiary that shows a low degree of activity in the internal market, measured for instance in terms of turnover achieved in the Union, is less likely to cause distortions than a foreign subsidy to a beneficiary that has a more significant level of activity in the internal market. Finally, foreign subsidies not exceeding ***the de minimis rule applied for State Aid control in the single market*** should be deemed, as a general rule, unlikely to distort the internal market within the meaning of this Regulation.

Or. en

Amendment 89
Carles Puigdemont i Casamajó

Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14 a) Furthermore, the Commission should also assess whether the undertaking that has received a financial contribution from its third country of origin has a history of other distortive practices, such as dumping, or a history of violations on human rights, especially when it refers to forced labour and child labour. This history should also be taken into account by the Commission as complementary indicators. The Parliament should flag it through its annual report on the implementation of the common commercial policy.

Or. en

Amendment 90

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

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) The Commission **should** take into account the positive effects of the foreign subsidy on the development of the relevant subsidised economic activity. The Commission **should** weigh these positive effects against the negative effects of a foreign subsidy in terms of distortion on the internal market in order to determine, if applicable, the appropriate redressive measure or accept commitments. The balancing may also lead to the conclusion that no redressive measures should be imposed. Categories of foreign subsidies that are deemed most likely to distort the internal market are less likely to have more positive than negative effects.

Amendment

(16) ***In exceptional cases*** the Commission **could** take into account the positive effects of the foreign subsidy on the development of the relevant subsidised economic activity, ***where it relates to the fulfilment of public policy objectives***. The Commission **could** weigh these positive effects against the negative effects of a foreign subsidy in terms of distortion on the internal market in order to determine, if applicable, the appropriate redressive measure or accept commitments. The balancing may also lead to the conclusion that no redressive measures should be imposed. ***The Commission should reach any such conclusion in close cooperation with the Member State(s) concerned.*** Categories of foreign subsidies that are deemed most likely to distort the internal market are less likely to have more positive than negative effects.

Or. en

Amendment 91

Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmaz Paet, Samira Rafaela, Morten Løkkegaard

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) The Commission should take into account the positive effects of the foreign subsidy on the development of the relevant subsidised economic activity. The Commission should weigh these positive effects against the negative effects of a foreign subsidy in terms of distortion on the internal market in order to determine, if applicable, the appropriate redressive measure or accept commitments. The balancing may also lead to the conclusion that no redressive measures should be imposed. Categories of foreign subsidies that are deemed most likely to distort the internal market are less likely to have more positive than negative effects.

Amendment

(16) The Commission should take into account the positive effects of the foreign subsidy on the development of the relevant subsidised economic activity. The Commission should weigh these positive effects against the negative effects of a foreign subsidy in terms of distortion on the internal market in order to determine, if applicable, the appropriate redressive measure or accept commitments. ***The positive effects of the foreign subsidy should effectively contribute to achieving the objectives of Union policies. The*** balancing may also lead to the conclusion that no redressive measures should be imposed. Categories of foreign subsidies that are deemed most likely to distort the internal market are less likely to have more positive than negative effects. ***The Commission should make available guidelines to clarify the criteria used for the application of the balancing test, including the positive effects in relation to the objectives of Union policies.***

Or. en

Amendment 92

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) The Commission should take into

Amendment

(16) The Commission should take into

account the positive effects of the foreign subsidy on the development of the relevant subsidised economic activity. The Commission should weigh these positive effects against the negative effects of a foreign subsidy in terms of distortion on the internal market in order to determine, if applicable, the appropriate redressive measure or accept commitments. The balancing may also lead to the conclusion that no redressive measures should be imposed. Categories of foreign subsidies that are deemed most likely to distort the internal market are less likely to have more positive than negative effects.

account the positive effects of the foreign subsidy on the development of the relevant subsidised economic activity ***in particular as regards its contribution to the Union's objectives and the positive social and environmental externalities of such subsidised activities***. The Commission should weigh these positive effects against the negative effects of a foreign subsidy in terms of distortion on the internal market in order to determine, if applicable, the appropriate redressive measure or accept commitments. The balancing may also lead to the conclusion that no redressive measures should be imposed. Categories of foreign subsidies that are deemed most likely to distort the internal market are less likely to have more positive than negative effects. ***The Commission should also take into account the positive effects of subsidies granted to remedy a serious national or global disturbance of the economy.***

Or. en

Amendment 93

Massimiliano Salini, Iuliu Winkler, Arnaud Danjean

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) The Commission should ***take*** into account the positive effects of the foreign subsidy on the development of the relevant subsidised economic activity. The Commission should weigh these positive effects against the negative effects of a foreign subsidy in terms of distortion on the internal market in order to determine, if applicable, the appropriate redressive measure or accept commitments. The balancing may also lead to the conclusion that no redressive measures should be imposed. Categories of foreign subsidies that are deemed most likely to distort the

Amendment

(16) The Commission should ***seek a common European interest when taking*** into account the positive effects of the foreign subsidy on the development of the relevant subsidised economic activity. The Commission should weigh these positive effects against the negative effects of a foreign subsidy in terms of distortion on the internal market in order to determine, if applicable, the appropriate redressive measure or accept commitments. The balancing may also lead to the conclusion that no redressive measures should be imposed. Categories of foreign subsidies

internal market are less likely to have more positive than negative effects.

that are deemed most likely to distort the internal market are less likely to have more positive than negative effects. ***The Commission should develop guidelines with regard to the application of the balancing test.***

Or. en

Amendment 94

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

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) The Commission should take into account the positive effects of the foreign subsidy on the development of the relevant subsidised economic activity. The Commission should weigh these positive effects against the negative effects of a foreign subsidy in terms of distortion on the internal market in order to determine, if applicable, the appropriate redressive measure or accept commitments. The balancing may also lead to the conclusion that no redressive measures should be imposed. Categories of foreign subsidies that are deemed most likely to distort the internal market are less likely to have more positive than negative effects.

Amendment

(16) The Commission should take into account the positive effects of the foreign subsidy on the development of the relevant subsidised economic activity. The Commission should weigh these positive effects against the negative effects of a foreign subsidy in terms of distortion on the internal market in order to determine, if applicable, the appropriate redressive measure or accept commitments. The balancing may also lead to the conclusion that no redressive measures should be imposed. Categories of foreign subsidies that are deemed most likely to distort the internal market are less likely to have more positive than negative effects. ***The Commission shall, in close cooperation with Member States, develop and publish guidelines on the application of the balancing test.***

Or. en

Amendment 95

José Manuel García-Margallo y Marfil

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) The Commission should take into account the positive effects of the foreign subsidy on the development of the relevant subsidised economic activity. The Commission should weigh these positive effects against the negative effects of a foreign subsidy in terms of distortion on the internal market in order to determine, if applicable, the appropriate redressive measure or accept commitments. The balancing may also lead to the conclusion that no redressive measures should be imposed. Categories of foreign subsidies that are deemed most likely to distort the internal market are less likely to have more positive than negative effects.

Amendment

(16) The Commission should take into account the positive effects of the foreign subsidy on the development of the relevant subsidised economic activity. The Commission should weigh these positive effects against the negative effects of a foreign subsidy in terms of distortion on the internal market in order to determine, if applicable, the appropriate redressive measure or accept commitments. ***It is of utmost importance to ensure a level playing field to support the economic recovery of the European Union.*** The balancing may also lead to the conclusion that no redressive measures should be imposed. Categories of foreign subsidies that are deemed most likely to distort the internal market are less likely to have more positive than negative effects.

Or. es

Amendment 96
Gilles Lebreton

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) Where the Commission examines a foreign subsidy ***on its own initiative***, it should have the power to impose redressive measures on an undertaking to remedy any distortion caused by a foreign subsidy in the internal market. Redressive measures should be proportionate and suitable to remedy the distortion at stake. They should include behavioural or structural remedies or the repayment of the foreign subsidy.

Amendment

(17) Where the Commission examines a foreign subsidy, it should have the power to impose redressive measures on an undertaking to remedy any distortion caused by a foreign subsidy in the internal market. Redressive measures should be proportionate and suitable to remedy the distortion at stake. They should include behavioural or structural remedies or the repayment of the foreign subsidy.

Or. fr

Amendment 97

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

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) The undertaking concerned could offer to repay the subsidy, together with appropriate interest. The Commission **should** accept a repayment offered as a commitment if it can ascertain that the repayment fully remedies the distortion, is executed in a transparent manner and is effective in practice, while taking into account the risk of circumvention of the objectives of this Regulation.

Amendment

(19) The undertaking concerned could offer to repay the subsidy, together with appropriate interest. The Commission **could** accept a repayment offered as a commitment if it can ascertain that the repayment fully remedies the distortion, is executed in a transparent manner and is effective in practice, while taking into account the risk of circumvention of the objectives of this Regulation.

Or. en

Amendment 98

Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) The undertaking concerned could offer to repay the subsidy, together with appropriate interest. The Commission **should** accept a repayment offered as a commitment if it can ascertain that the repayment fully remedies the distortion, is executed in a transparent manner and is effective in practice, while taking into account the risk of circumvention of the objectives of this Regulation.

Amendment

(19) The undertaking concerned could offer to repay the subsidy, together with appropriate interest. The Commission **may** accept a repayment offered as a commitment if it can ascertain that the repayment fully remedies the distortion, is executed in a transparent manner and is effective in practice, while taking into account the risk of circumvention of the objectives of this Regulation.

Or. en

Amendment 99

Emmanuel Maurel

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation.

Amendment

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies ***or any other non-financial benefit from a third country that results in the same effect as a subsidy, whether this involves standards or practices of a specific or general nature.*** To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation.

Or. fr

Amendment 100

Guy Verhofstadt, Dacian Cioloș

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation.

Amendment

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation. ***The Commission should be able to act upon information received from any relevant source, including Member States and undertakings or their respective trade associations. If an EU wide trade association, representing 15 % or more of the sector concerned, is asking the Commission to launch an investigation, the Commission shall do so.***

Or. en

Amendment 101

Emmanuel Maurel

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation.

Amendment

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. ***The Commission should be able to act on the basis of information received from all relevant sources, including Member States in particular but also companies, professional associations, local authorities, unions and non-governmental organisations.*** To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation.

Or. fr

Amendment 102
Carles Puigdemont i Casamajó

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation.

Amendment

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation. ***Additionally, the Commission should act upon information received from any relevant source, including Member States, regions, undertakings, whistle-blowers within foreign undertakings, and civil society organisations.***

Or. en

Amendment 103

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation.

Amendment

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. ***The Commission should be able to act upon information received from any relevant source, including Member States, Member States' trade associations and EU-wide social partners.*** To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation.

Or. en

Amendment 104

Sven Simon, Christian Doleschal

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation.

Amendment

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation. ***The Commission should be able to act upon information received from any relevant source, including Member States and trade associations.***

Or. en

Amendment 105

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

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation.

Amendment

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies, ***received from any relevant source, including Member States.*** To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation.

Or. en

Amendment 106

Massimiliano Salini, Iuliu Winkler, Arnaud Danjean

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation.

Amendment

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation. ***The Commission shall publish guidance on the criteria to open such a procedure.***

Or. en

Amendment 107

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

Proposal for a regulation

Recital 21 a (new)

(21 a) A contact point should be established by the Commission so that Member States or interested parties such as undertakings or trade associations can share information regarding actual or potential cases of distortion on the internal market with the Commission. The Commission can use this information for the relevant procedures under this Regulation, including the ex officio review.

Or. en

Amendment 108
Gilles Lebreton

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) The Commission should be given **adequate investigative powers** to gather all necessary information. It should therefore **have the power** to request information from any undertaking or association of undertakings throughout the whole procedure. **In addition, the Commission should have the power to impose fines and periodic penalty payments for failure to timely supply the requested information or for supplying incomplete, incorrect or misleading information.** The Commission could also address questions to Member States or to third countries. Furthermore, the Commission should have the power to make fact-finding visits at the Union premises of the undertaking, or, subject to agreement by the undertaking and the third country concerned, at the premises of the undertaking in the third country. The Commission should also have the power to take decisions on the basis of facts available if the undertaking in question does not cooperate.

Amendment

(22) The Commission should be given **the capacity** to gather all necessary information. It should therefore **be able** to request information from any undertaking or association of undertakings throughout the whole procedure. **However, the obligation to provide information to the Commission should not put at risk the Member States' essential security interests.** The Commission could also address questions to Member States or to third countries. Furthermore, the Commission should have the power to make fact-finding visits at the Union premises of the undertaking, or, subject to agreement by the undertaking and the third country concerned, at the premises of the undertaking in the third country. The Commission should also have the power to take decisions on the basis of facts available if the undertaking in question does not cooperate.

Amendment 109**Enikő Győri, Ernő Schaller-Baross****Proposal for a regulation****Recital 22***Text proposed by the Commission*

(22) The Commission should be given adequate investigative powers to gather all necessary information. It should therefore have the power to request information from any undertaking or association of undertakings throughout the whole procedure. In addition, the Commission should have the power to impose fines and periodic penalty payments for failure to timely supply the requested information or for supplying incomplete, incorrect or misleading information. The Commission could also address questions to Member States or to third countries. Furthermore, the Commission should have the power to make fact-finding visits at the Union premises of the undertaking, or, subject to agreement by the undertaking and the third country concerned, at the premises of the undertaking in the third country. The Commission should also have the power to take decisions on the basis of facts available if the undertaking in question does not cooperate.

Amendment

(22) The Commission should be given adequate investigative powers to gather all necessary information. It should therefore have the power to request information from any undertaking or association of undertakings throughout the whole procedure. ***However, the obligation to provide information to the Commission should in no way jeopardize the essential national security interests of the Member States.*** In addition, the Commission should have the power to impose fines and periodic penalty payments for failure to timely supply the requested information or for supplying incomplete, incorrect or misleading information. The Commission could also address questions to Member States or to third countries. Furthermore, the Commission should have the power to make fact-finding visits at the Union premises of the undertaking, or, subject to agreement by the undertaking and the third country concerned, at the premises of the undertaking in the third country. The Commission should also have the power to take decisions on the basis of facts available if the undertaking in question does not cooperate.

Amendment 110**Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Løkkegaard****Proposal for a regulation**

Recital 22

Text proposed by the Commission

(22) The Commission should be given adequate investigative powers to gather all necessary information. It should therefore have the power to request information from any undertaking or association of undertakings throughout the whole procedure. In addition, the Commission should have the power to impose fines and periodic penalty payments for failure to timely supply the requested information or for supplying incomplete, incorrect or misleading information. The Commission could also address questions to Member States or to third countries. Furthermore, the Commission should have the power to make fact-finding visits at the Union premises of the undertaking, or, subject to agreement by the ***undertaking and the*** third country concerned, at the premises of the undertaking in the third country. The Commission should also have the power to take decisions on the basis of facts available if the undertaking in question does not cooperate.

Amendment

(22) The Commission should be given adequate investigative powers to gather all necessary information. It should therefore have the power to request information from any undertaking or association of undertakings throughout the whole procedure. ***The Commission should be able to use information from any available source, including from Member States and interested parties such as undertakings and trade associations.*** In addition, the Commission should have the power to impose fines and periodic penalty payments for failure to timely supply the requested information or for supplying incomplete, incorrect or misleading information. The Commission could also address questions to Member States or to third countries. Furthermore, the Commission should have the power to make fact-finding visits at the Union premises of the undertaking, or, subject to agreement by the third country concerned, at the premises of the undertaking in the third country. The Commission should also have the power to take decisions on the basis of facts available if the undertaking in question does not cooperate.

Or. en

Amendment 111

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

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) The Commission should be given adequate investigative powers to gather all necessary information. It should therefore have the power to request information from any undertaking or association of

Amendment

(22) The Commission should be given adequate investigative powers ***and resources*** to gather all necessary information. It should therefore have the power to request information from any

undertakings throughout the whole procedure. In addition, the Commission should have the power to impose fines and periodic penalty payments for failure to timely supply the requested information or for supplying incomplete, incorrect or misleading information. The Commission could also address questions to Member States or to third countries. Furthermore, the Commission should have the power to make fact-finding visits at the Union premises of the undertaking, or, subject to agreement by the undertaking and the third country concerned, at the premises of the undertaking in the third country. The Commission should also have the power to take decisions on the basis of facts available if the undertaking in question does not cooperate.

undertaking or association of undertakings throughout the whole procedure. In addition, the Commission should have the power to impose fines and periodic penalty payments for failure to timely supply the requested information or for supplying incomplete, incorrect or misleading information. The Commission could also address questions to Member States or to third countries. Furthermore, the Commission should have the power to make fact-finding visits at the Union premises of the undertaking, or, subject to agreement by the undertaking and the third country concerned, at the premises of the undertaking in the third country. The Commission should also have the power to take decisions on the basis of facts available if the undertaking in question does not cooperate.

Or. en

Amendment 112
Carles Puigdemont i Casamajó

Proposal for a regulation
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25 a) The Parliament should be invited to the in-depth investigation, with the provision that the members invited will not disclose any information during such investigation.

Or. en

Amendment 113
Gilles Lebreton

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) The Commission should have appropriate instruments to ensure the effectiveness of commitments and redressive measures. ***If the undertaking concerned does not comply with a decision with commitments, a decision imposing redressive measures, or a decision ordering interim measures, the Commission should have the power to impose fines and periodic penalty payments.***

Amendment

(26) The Commission should have appropriate instruments to ensure the effectiveness of commitments and redressive measures.

Or. fr

Amendment 114
Emmanuel Maurel

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) The Commission should have appropriate instruments to ensure the effectiveness of commitments and redressive measures. If the undertaking concerned does not comply with a decision with commitments, a decision imposing redressive measures, or a decision ordering interim measures, the Commission should have the power to impose fines and periodic penalty payments.

Amendment

(26) The Commission should have appropriate instruments to ensure the effectiveness of commitments and redressive measures. If the undertaking concerned does not comply with a decision with commitments, a decision imposing redressive measures, or a decision ordering interim measures, the Commission should have the power to impose fines and periodic penalty payments ***of a value high enough to put a stop to the potential or actual distortion of the internal market, so that they have a deterrent effect.***

Or. fr

Amendment 115
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Løkkegaard

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) The Commission should have appropriate instruments to ensure the effectiveness of commitments and redressive measures. If the undertaking concerned does not comply with a decision with commitments, a decision imposing redressive measures, or a decision ordering interim measures, the Commission should have the power to impose fines and periodic penalty payments.

Amendment

(26) The Commission should have appropriate instruments to ensure the effectiveness of commitments and redressive measures. If the undertaking concerned does not comply with a decision with commitments, a decision imposing redressive measures, or a decision ordering interim measures, the Commission should have the power to impose fines and periodic penalty payments. ***The Commission shall take into account cases of repeated non-compliance when imposing such fines and periodic penalty payments.***

Or. en

Amendment 116
Carles Puigdemont i Casamajó

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) The Commission should have appropriate instruments to ensure the effectiveness of commitments and redressive measures. If the undertaking concerned does not comply with a decision with commitments, a decision imposing redressive measures, or a decision ordering interim measures, the Commission should have the power to impose fines and periodic penalty payments.

Amendment

(26) The Commission should have appropriate instruments to ensure the effectiveness of commitments and redressive measures. If the undertaking concerned does not comply with a decision with commitments, a decision imposing redressive measures, or a decision ordering interim measures, the Commission should have the power to impose fines and periodic penalty payments. ***The Commission should inform the Parliament accordingly.***

Or. en

Amendment 117
Carles Puigdemont i Casamajó

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) In order to ensure the correct and effective application of this Regulation, the Commission should have the power to revoke a decision and adopt a new one, where the decision was based on incomplete, incorrect or misleading information, or where an undertaking acts contrary to its commitments or the redressive measures imposed.

Amendment

(27) In order to ensure the correct and effective application of this Regulation, the Commission should have the power to revoke a decision and adopt a new one, where the decision was based on incomplete, incorrect or misleading information, or where an undertaking acts contrary to its commitments or the redressive measures imposed. ***The Parliament should be duly informed of the whole procedure.***

Or. en

Amendment 118

Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) Given the potentially significant impact of concentrations on the internal market, the Commission should have the power, upon notification, to examine information on foreign ***financial contributions*** in the context of a proposed concentration. Undertakings should not be allowed to implement the concentration prior to the conclusion of the Commission's review.

Amendment

(28) Given the potentially significant impact of concentrations on the internal market, the Commission should have the power, upon notification, to examine information on foreign ***subsidies*** in the context of a proposed concentration. Undertakings should not be allowed to implement the concentration prior to the conclusion of the Commission's review.

Or. en

Amendment 119

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) Given the potentially significant impact of concentrations on the internal market, the Commission should have the power, upon notification, to examine information on foreign ***financial contributions*** in the context of a proposed concentration. Undertakings should not be allowed to implement the concentration prior to the conclusion of the Commission's review.

Amendment

(28) Given the potentially significant impact of concentrations on the internal market, the Commission should have the power, upon notification, to examine information on foreign ***subsidies*** in the context of a proposed concentration. Undertakings should not be allowed to implement the concentration prior to the conclusion of the Commission's review.

Or. en

Amendment 120

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

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) It is necessary to strike a balance between effective protection of the internal market and the need to limit the administrative burden on undertakings subject to this Regulation. Therefore, only concentrations meeting combined thresholds as defined in this Regulation based on the size of the turnover in the Union and the size of the subsidy should be subject to mandatory prior notification.

Amendment

(30) It is necessary to strike a balance between effective protection of the internal market and the need to limit the administrative burden on undertakings subject to this Regulation. Therefore, only concentrations meeting combined thresholds as defined in this Regulation based on the size of the turnover in the Union and the size of the subsidy should be subject to mandatory prior notification. ***The effectiveness of the threshold for the notification obligation for concentrations should be reviewed one year after the entry into force of this Regulation.***

Or. en

Amendment 121
Gilles Lebreton

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) It is necessary to strike a balance between effective protection of the internal market and the need to limit the administrative burden on undertakings subject to this Regulation. Therefore, only concentrations meeting combined thresholds as defined in this Regulation based on the size of the turnover in the Union and the size of the subsidy should be subject to mandatory prior notification.

Amendment

(30) It is necessary to strike a balance between effective protection of the internal market and the need to limit the administrative burden on undertakings subject to this Regulation. Therefore, only concentrations meeting combined thresholds as defined in this Regulation based on the size of the turnover in the Union and the size of the subsidy should be subject to mandatory prior notification. ***SMEs shall be exempted from this prior notification requirement in all cases.***

Or. fr

Amendment 122

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

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Below the notification thresholds, the Commission ***could*** require the notification of potentially subsidised concentrations that were not yet implemented or the notification of potentially subsidised bids prior to the award of a public contract, if it considers that the concentration or the bid would merit ex-ante review given their impact in the Union. The Commission should also have the possibility to carry out a review on its own initiative of already implemented concentrations or awarded public contracts.

Amendment

(31) Below the notification thresholds, the Commission ***should*** require the notification of potentially subsidised concentrations that were not yet implemented or the notification of potentially subsidised bids prior to the award of a public contract, if it considers that the concentration or the bid would merit ex-ante review given their impact in the Union. The Commission should also have the possibility to carry out a review on its own initiative of already implemented concentrations or awarded public contracts.

Or. en

Amendment 123

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Below the notification thresholds, the Commission **could** require the notification of potentially subsidised concentrations that were not yet implemented or the notification of potentially subsidised bids prior to the award of a public contract, if it considers that the concentration or the bid would merit ex-ante review given their impact in the Union. The Commission should also have the possibility to carry out a review on its own initiative of already implemented concentrations or awarded public contracts.

Amendment

(31) Below the notification thresholds, the Commission **should** require the notification of potentially subsidised concentrations that were not yet implemented or the notification of potentially subsidised bids prior to the award of a public contract, if it considers that the concentration or the bid would merit ex-ante review given their impact in the Union. The Commission should also have the possibility to carry out a review on its own initiative of already implemented concentrations or awarded public contracts.

Or. en

Amendment 124

Carles Puigdemont i Casamajó

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Below the notification thresholds, the Commission **could** require the notification of potentially subsidised concentrations that were not yet implemented or the notification of potentially subsidised bids prior to the award of a public contract, if it considers that the concentration or the bid would merit ex-ante review given their impact in the Union. The Commission should also have the possibility to carry out a review on its own initiative of already implemented concentrations or awarded public contracts.

Amendment

(31) Below the notification thresholds, the Commission **should** require the notification of potentially subsidised concentrations that were not yet implemented or the notification of potentially subsidised bids prior to the award of a public contract, if it considers that the concentration or the bid would merit ex-ante review given their impact in the Union. The Commission should also have the possibility to carry out a review on its own initiative of already implemented concentrations or awarded public contracts.

Or. en

Amendment 125

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

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Below the notification thresholds, the Commission could require the notification of potentially subsidised concentrations that were not yet implemented or the notification of potentially subsidised bids prior to the award of a public contract, if it considers that the concentration or the bid would merit ex-ante review given their impact in the Union. The Commission should also have the possibility to carry out a review on its own initiative of already implemented concentrations or awarded public contracts.

Amendment

(31) Below the notification thresholds, the Commission ***itself or upon request from a Member State***, could require the notification of potentially subsidised concentrations that were not yet implemented or the notification of potentially subsidised bids prior to the award of a public contract, if it considers that the concentration or the bid would merit ex-ante review given their impact in the Union. The Commission should also have the possibility to carry out a review on its own initiative of already implemented concentrations or awarded public contracts.

Or. en

Amendment 126

Gilles Lebreton

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Below the notification thresholds, the Commission could require the notification of potentially subsidised concentrations that were not yet implemented or the notification of potentially subsidised bids prior to the award of a public contract, if it considers that the concentration or the bid would merit ex-ante review given their impact in the Union. The Commission should also have the possibility to carry out a review on its own initiative of already

Amendment

(31) Below the notification thresholds, the Commission could require the notification of potentially subsidised concentrations that were not yet implemented or the notification of potentially subsidised bids prior to the award of a public contract, ***at the request of the competent national authorities or*** if it considers that the concentration or the bid would merit ex-ante review given their impact in the Union. The Commission should also have the possibility to carry out

implemented concentrations or awarded public contracts.

a review on its own initiative of already implemented concentrations or awarded public contracts.

Or. fr

Amendment 127

Massimiliano Salini, Iuliu Winkler, Arnaud Danjean

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) Below the notification thresholds, the Commission could require the notification of potentially subsidised concentrations that were not yet implemented or the notification of potentially subsidised bids prior to the award of a public contract, if it considers that the concentration or the bid would merit ex-ante review given their impact in the Union. The Commission should also have the possibility to carry out a review on its own initiative of already implemented concentrations or awarded public contracts.

Amendment

(31) Below the notification thresholds, the Commission could require the notification of potentially subsidised concentrations that were not yet implemented or the notification of potentially subsidised bids prior to the award of a public contract, if it considers that the concentration or the bid would merit ex-ante review given their impact in the Union. The Commission should also have the possibility to carry out a review on its own initiative of already implemented concentrations or awarded public contracts. ***The Commission shall provide instructions on the requirements that must be met in order receive such a notification.***

Or. en

Amendment 128

Carles Puigdemont i Casamajó

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) When reviewing a concentration, the assessment of whether there is a distortion in the internal market should be limited to the concentration at stake, and

Amendment

(32) When reviewing a concentration, the assessment of whether there is a distortion in the internal market should be limited to the concentration at stake, and

only foreign subsidies granted in the three years prior to the concentration should be considered in the assessment.

only foreign subsidies granted in the three years prior to the concentration *as well as future subsidies that the Commission has been able to know, that have been already decided by the third country's government and that will be effective within one year following the concentration*, should be considered in the assessment *of the Commission*.

Or. en

Amendment 129

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

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) When reviewing a concentration, the assessment of whether there is a distortion in the internal market should be limited to the concentration at stake, and only foreign subsidies granted in the three years prior to the concentration should be considered in the assessment.

Amendment

(32) When reviewing a concentration, the assessment of whether there is a distortion in the internal market should be limited to the concentration at stake, and only foreign subsidies granted in the three years prior to the concentration *or known subsidies that have already been established and shall become effective following the concentration* should be considered in the assessment.

Or. en

Amendment 130

Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) When reviewing a concentration, the assessment of whether there is a distortion in the internal market should be limited to the concentration at stake, and

Amendment

(32) When reviewing a concentration, the assessment of whether there is a distortion in the internal market should be limited to the concentration at stake, and

only foreign subsidies granted in the three years prior to the concentration should be considered in the assessment.

only foreign subsidies granted in the three years prior to the concentration *or future subsidies which have been approved and will become effective within one year of the concentration*, should be considered in the assessment.

Or. en

Amendment 131
Massimiliano Salini, Iuliu Winkler

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) When reviewing a concentration, the assessment of whether there is a distortion in the internal market should be limited to the concentration at stake, and only foreign subsidies granted in the *three* years prior to the concentration should be considered in the assessment.

Amendment

(32) When reviewing a concentration, the assessment of whether there is a distortion in the internal market should be limited to the concentration at stake, and only foreign subsidies granted in the *five* years prior to the concentration should be considered in the assessment.

Or. en

Amendment 132
Daniel Caspary

Proposal for a regulation
Recital 32 a (new)

Text proposed by the Commission

Amendment

(32 a) In the context of the ex ante review mechanism for concentrations, concerned undertakings may request pre-notification consultations with the Commission based on good faith, with the exclusive aim of receiving guidance on whether or not the formal thresholds for notification are met.

Or. en

Amendment 133

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) The need to address distortive foreign subsidies is especially salient in public procurement, given its economic significance in the internal market and the fact that it is financed by taxpayer funds. The Commission should have the power, upon notification prior to the award of a public contract or concession, to examine information on **foreign financial contributions** to the participating undertakings in the context of a public procurement procedure. Prior notifications should be mandatory above a threshold set in this Regulation to capture economically significant cases while minimising the administrative burden and not hindering the participation of SMEs in public procurement. That obligation of prior notification above a threshold should also apply to groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU of the European Parliament and of the Council⁴⁰, Article 19(2) of Directive 2014/24/EU of the European Parliament and of the Council⁴¹ and Article 37(2) of Directive 2014/25/EU of the European Parliament and of the Council⁴². It should also apply to the main subcontractors and the main suppliers of undertaking.

⁴⁰ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

⁴¹ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94,

Amendment

(33) The need to address distortive foreign subsidies is especially salient in public procurement, given its economic significance in the internal market and the fact that it is financed by taxpayer funds. The Commission should have the power, upon notification prior to the award of a public contract or concession, to examine information on **subsidies** to the participating undertakings in the context of a public procurement procedure. Prior notifications should be mandatory above a threshold set in this Regulation to capture economically significant cases while minimising the administrative burden and not hindering the participation of SMEs in public procurement. That obligation of prior notification above a threshold should also apply to groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU of the European Parliament and of the Council⁴⁰, Article 19(2) of Directive 2014/24/EU of the European Parliament and of the Council⁴¹ and Article 37(2) of Directive 2014/25/EU of the European Parliament and of the Council⁴². It should also apply to the main subcontractors and the main suppliers of undertaking.

⁴⁰ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

⁴¹ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94,

28.3.2014, p. 65).

⁴² Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

28.3.2014, p. 65).

⁴² Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

Or. en

Amendment 134

Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) The need to address distortive foreign subsidies is especially salient in public procurement, given its economic significance in the internal market and the fact that it is financed by taxpayer funds. The Commission should have the power, upon notification prior to the award of a public contract or concession, to examine information on foreign **financial contributions** to the participating undertakings in the context of a public procurement procedure. Prior notifications should be mandatory above a threshold set in this Regulation to capture economically significant cases while minimising the administrative burden and not hindering the participation of SMEs in public procurement. That obligation of prior notification above a threshold should also apply to groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU of the European Parliament and of the Council⁴⁰, Article 19(2) of Directive 2014/24/EU of the European Parliament and of the Council⁴¹ and Article 37(2) of Directive 2014/25/EU of the European Parliament and of the Council⁴². It should also apply to the main

Amendment

(33) The need to address distortive foreign subsidies is especially salient in public procurement, given its economic significance in the internal market and the fact that it is financed by taxpayer funds. The Commission should have the power, upon notification prior to the award of a public contract or concession, to examine information on foreign **subsidies** to the participating undertakings in the context of a public procurement procedure. Prior notifications should be mandatory above a threshold set in this Regulation to capture economically significant cases while minimising the administrative burden and not hindering the participation of SMEs in public procurement. That obligation of prior notification above a threshold should also apply to groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU of the European Parliament and of the Council⁴⁰, Article 19(2) of Directive 2014/24/EU of the European Parliament and of the Council⁴¹ and Article 37(2) of Directive 2014/25/EU of the European Parliament and of the Council⁴². It should also apply to the main subcontractors and the main suppliers of

subcontractors and the main suppliers of undertaking.

undertaking.

⁴⁰ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

⁴⁰ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

⁴¹ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

⁴¹ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

⁴² Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

⁴² Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

Or. en

Amendment 135

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

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) When a foreign financial contribution is notified in the context of a public procurement procedure, the assessment should be limited to that procedure.

Amendment

(34) When a foreign financial contribution is notified in the context of a public procurement procedure, the assessment should be limited to that procedure. ***The assessment shall include foreign financial contributions in the three years prior to the notification and known subsidies that have already been established and shall become effective following the procurement procedure.***

Or. en

Amendment 136
Carles Puigdemont i Casamajó

Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) When a foreign financial contribution is notified in the context of a public procurement procedure, the assessment should be limited to that procedure.

Amendment

(34) When a foreign financial contribution is notified in the context of a public procurement procedure, the assessment should be limited to that procedure, ***as well as to future subsidies that the Commission has been able to know, that have been already decided by the third country's government and that will be effective within one year following the concentration.***

Or. en

Amendment 137
Daniel Caspary

Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) When a foreign financial contribution is notified in the context of a public procurement procedure, the assessment should be limited to that procedure.

Amendment

(34) When a foreign financial contribution is notified in the context of a public procurement procedure, the assessment should be limited to that procedure ***and only foreign subsidies granted in the three years prior to the notification should be considered in the assessment.***

Or. en

Amendment 138
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation
Recital 34

Text proposed by the Commission

Amendment

(34) When a foreign **financial contribution** is notified in the context of a public procurement procedure, the assessment should be limited to that procedure.

(34) When a foreign **subsidy** is notified in the context of a public procurement procedure, the assessment should be limited to that procedure.

Or. en

Amendment 139

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

Proposal for a regulation

Recital 35

Text proposed by the Commission

Amendment

(35) It should be ensured that the principles governing public procurement, notably proportionality, non-discrimination, equal treatment, and transparency, are respected as regards all undertakings involved in the public procurement procedure, regardless of investigations initiated and pending pursuant to this Regulation.

(35) It should be ensured that the principles governing public procurement, notably proportionality, non-discrimination, equal treatment, and transparency are respected, **and compliance to applicable environmental, social and labour law and standards**, as regards all undertakings involved in the public procurement procedure, regardless of investigations initiated and pending pursuant to this Regulation.

Or. en

Amendment 140

Emmanuel Maurel

Proposal for a regulation

Recital 36

Text proposed by the Commission

Amendment

(36) Foreign subsidies that enable an undertaking to submit a tender which is unduly advantageous in relation to the works, supplies or services concerned should be deemed to actually or potentially create a distortion in a public procurement

(36) Foreign subsidies **or any other non-financial measure with an equivalent effect** that enable an undertaking to submit a tender which is unduly advantageous in relation to the works, supplies or services concerned should be deemed to actually or

procedure. Those distortions should therefore be assessed on the basis of the non-exhaustive set of indicators described in recitals 13 and 14 as well as the notion of unduly advantageous tender. The indicators should allow to determine how the foreign subsidy distorts competition by improving the competitive position of an undertaking and enabling it to submit an unduly advantageous tender. The opportunity should be given to undertakings to justify that the tender is not unduly advantageous, including by adducing the elements referred to in Article 69(2) of Directive 2014/24/EU. The prohibition of the award should only apply where the advantageous nature of the tender benefiting from foreign subsidies cannot be justified, the tender would be awarded the contract and the undertaking submitting the tender did not offer commitments considered appropriate and sufficient to fully and effectively remove the distortion.

potentially create a distortion in a public procurement procedure. Those distortions should therefore be assessed on the basis of the non-exhaustive set of indicators described in recitals 13 and 14 as well as the notion of unduly advantageous tender. The indicators should allow to determine how the foreign subsidy distorts competition by improving the competitive position of an undertaking and enabling it to submit an unduly advantageous tender. The opportunity should be given to undertakings to justify that the tender is not unduly advantageous, including by adducing the elements referred to in Article 69(2) of Directive 2014/24/EU. The prohibition of the award should only apply where the advantageous nature of the tender benefiting from foreign subsidies cannot be justified, the tender would be awarded the contract and the undertaking submitting the tender did not offer commitments considered appropriate and sufficient to fully and effectively remove the distortion.

Or. fr

Amendment 141

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

Proposal for a regulation Recital 36 a (new)

Text proposed by the Commission

Amendment

(36 a) The effectiveness of the threshold for the notification obligation for procurement should be reviewed one year after the entry into force of this Regulation.

Or. en

Amendment 142

Gilles Lebreton

Proposal for a regulation

Recital 37

Text proposed by the Commission

(37) Taking into account the nature of the ex ante review mechanism for concentrations and public procurement awards, and the need for legal certainty regarding these specific transactions, a concentration or public procurement tender notified and assessed under the respective procedures cannot be reviewed again by the Commission on its own initiative.

Financial contributions of which the Commission was informed through the notification procedure may however also be relevant outside the concentration or procurement procedure. In order to gather information on foreign subsidies, the Commission should have the possibility to launch investigations regarding specific sectors of the economy, particular types of economic activity or the use of particular foreign subsidy instruments.

Amendment

(37) Taking into account the nature of the ex ante review mechanism for concentrations and public procurement awards, and the need for legal certainty regarding these specific transactions, a concentration or public procurement tender notified and assessed under the respective procedures cannot be reviewed again by the Commission on its own initiative.

Or. fr

Amendment 143

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 37

Text proposed by the Commission

(37) Taking into account the nature of the ex ante review mechanism for concentrations and public procurement awards, and the need for legal certainty regarding these specific transactions, a concentration or public procurement tender notified and assessed under the respective procedures cannot be reviewed again by

Amendment

(37) Taking into account the nature of the ex ante review mechanism for concentrations and public procurement awards, and the need for legal certainty regarding these specific transactions, a concentration or public procurement tender notified and assessed under the respective procedures cannot be reviewed again by

the Commission on its own initiative. Financial contributions of which the Commission was informed through the notification procedure may however also be relevant outside the concentration or procurement procedure. In order to gather information on foreign subsidies, the Commission should have the possibility to launch investigations regarding specific sectors of the economy, particular types of economic activity or the use of particular foreign subsidy instruments.

the Commission on its own initiative. Financial contributions of which the Commission was informed through the notification procedure may however also be relevant outside the concentration or procurement procedure. In order to gather information on foreign subsidies, the Commission should have the possibility to launch investigations regarding specific sectors of the economy, particular types of economic activity or the use of particular foreign subsidy instruments. ***The Commission should be able to use the information obtained from such market investigations to review certain transactions in the framework of the procedures under this Regulation.***

Or. en

Amendment 144

Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation

Recital 37

Text proposed by the Commission

(37) Taking into account the nature of the ex ante review mechanism for concentrations and public procurement awards, and the need for legal certainty regarding these specific transactions, a concentration or public procurement tender notified and assessed under the respective procedures cannot be reviewed again by the Commission on its own initiative. Financial contributions of which the Commission was informed through the notification procedure may however also be relevant outside the concentration or procurement procedure. In order to gather information on foreign subsidies, the Commission should have the possibility to launch investigations regarding specific sectors of the economy, particular types of economic activity or the use of particular

Amendment

(37) Taking into account the nature of the ex ante review mechanism for concentrations and public procurement awards, and the need for legal certainty regarding these specific transactions, a concentration or public procurement tender notified and assessed under the respective procedures cannot be reviewed again by the Commission on its own initiative. Financial contributions ***or advantage*** of which the Commission was informed through the notification procedure may however also be relevant outside the concentration or procurement procedure. In order to gather information on foreign subsidies, the Commission should have the possibility to launch investigations regarding specific sectors of the economy, particular types of economic activity or the use of particular foreign subsidy

foreign subsidy instruments.

instruments.

Or. en

Amendment 145

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

Proposal for a regulation

Recital 37 a (new)

Text proposed by the Commission

Amendment

(37 a) Whereas this Regulation should cover all economic sectors of the internal market, the ex officio review could in particular take into account sectors that are of strategic interest to the Union, such as sectors related to national security or public order.

Or. en

Amendment 146

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

Proposal for a regulation

Recital 37 b (new)

Text proposed by the Commission

Amendment

(37 b) The Commission should be able to use information obtained from the market investigation for the relevant procedures under this Regulation, including the ex officio review.

Or. en

Amendment 147

Gilles Lebreton

Proposal for a regulation

Recital 38

Text proposed by the Commission

Amendment

(38) *For the same reasons, it is appropriate to provide for limitation periods for the imposition and enforcement of fines and periodic penalty payments.*

deleted

Or. fr

Amendment 148

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 39

Text proposed by the Commission

Amendment

(39) In the interest of transparency and legal certainty, it is appropriate to publish either in full or in a summary form all decisions adopted by the Commission.

(39) In the interest of transparency and legal certainty, it is appropriate to publish either in full or in a summary form all decisions adopted by the Commission, **as well as in-depth investigations and balancing assessments.**

Or. en

Amendment 149

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 43

Text proposed by the Commission

Amendment

(43) The implementation of this Regulation by the Union should comply with Union law, **the WTO Agreement and** be consistent with commitments made under other trade and investment agreements to which the Union or the Member States are parties.

(43) The implementation of this Regulation by the Union should comply with Union law, be consistent **with WTO Agreements and** with commitments made under other trade and investment agreements to which the Union or the Member States are parties. **This Regulation should be without prejudice to**

the development of multilateral rules to address distortive subsidies.

Or. en

Amendment 150
Gilles Lebreton

Proposal for a regulation
Recital 43

Text proposed by the Commission

(43) The implementation of this Regulation by the Union should comply with Union law, *the WTO Agreement and be consistent with commitments made under other trade and investment agreements to which the Union or the Member States are parties.*

Amendment

(43) The implementation of this Regulation by the Union should comply with Union law.

Or. fr

Amendment 151
Daniel Caspary

Proposal for a regulation
Recital 43 a (new)

Text proposed by the Commission

Amendment

(43 a) In order to encourage the development of multilateral rules to address distortive subsidies and their root causes, it is necessary to set up a third country dialogue. When the Commission discovers or suspects the existence of systemic distortive foreign subsidies, it should be able to engage in a dialogue with the third country in question to explore options aimed at obtaining the cessation or modification of the distortive subsidies with a view to eliminating their distortive effects in the internal market. Where a bilateral agreement between the Union and a third country provides for a

consultation mechanism that covers systemic distortive foreign subsidies falling within the scope of this Regulation, this mechanism should be used to facilitate the third country dialogue. The Commission should also be able to endeavour to obtain the cessation or modification of the distortive foreign subsidies by raising the matter in any relevant international forum or through cooperation with any other third country affected by the same systemic distortive subsidies, or with any interested third country. This dialogue should not preclude the Commission from opening or continuing investigations under this Regulation, nor should it constitute an alternative to redressive measures. The Commission should, without undue delay, inform the European Parliament and the Council of relevant developments.

Or. en

Amendment 152

Carles Puigdemont i Casamajó

Proposal for a regulation

Recital 47

Text proposed by the Commission

(47) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in accordance with Article 291 of the Treaty. Those powers should be exercised to set out the form and content of notifications of concentrations as well as of financial contributions in the context of public procurement procedures, details of disclosure, form and content of transparency requirements, calculation of time-limits, conditions and time-limits for commitments and detailed rules on the procedural steps concerning investigations regarding public procurement procedures.

Amendment

(47) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in accordance with Article 291 of the Treaty. Those powers should be exercised to set out the form and content of notifications of concentrations as well as of financial contributions in the context of public procurement procedures, details of disclosure, form and content of transparency requirements, calculation of time-limits, conditions and time-limits for commitments and detailed rules on the procedural steps concerning investigations regarding public procurement procedures.

Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Those powers should be exercised in accordance with Regulation (EU) No 182/2011 *as soon as this Regulation has entered into force.*

Or. en

Amendment 153

Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation

Recital 47

Text proposed by the Commission

(47) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in accordance with Article 291 of the Treaty. Those powers should be exercised to set out the form and content of notifications of concentrations as well as of *financial contributions* in the context of public procurement procedures, details of disclosure, form and content of transparency requirements, calculation of time-limits, conditions and time-limits for commitments and detailed rules on the procedural steps concerning investigations regarding public procurement procedures. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Amendment

(47) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in accordance with Article 291 of the Treaty. Those powers should be exercised to set out the form and content of notifications of concentrations as well as of *foreign subsidies* in the context of public procurement procedures, details of disclosure, form and content of transparency requirements, calculation of time-limits, conditions and time-limits for commitments and detailed rules on the procedural steps concerning investigations regarding public procurement procedures. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Or. en

Amendment 154

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

Proposal for a regulation

Recital 48

Text proposed by the Commission

(48) In order to ensure a level playing

Amendment

(48) In order to ensure a level playing

field on the internal market also in the long term, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, the ***power to adopt acts in accordance with Article 290 of the Treaty*** should be ***delegated to the Commission*** in respect of amending the notification thresholds for concentrations and for public procurement procedures, exempting certain categories of undertakings from the notification obligations under this Regulation, as well as amending the time limits for the preliminary review and the in-depth investigations of notified concentrations or notified financial contributions in the context of a public procurement procedure. In relation to financial contributions in the context of a public procurement procedure, the ***power to adopt such acts*** should be ***exercised*** in a way that takes into account the interests of SMEs. ***It is of particular importance that the Commission carries out appropriate consultations during the preparations of those acts, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.***

⁴⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

field on the internal market also in the long term, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, the ***Commission should evaluate the functioning and effectiveness of this Regulation at the latest three years after its entry into force, and every two years thereafter, and present that evaluation by means of a report to the European Parliament and the Council. That report should include an assessment of whether or not this Regulation should be amended. Where the report proposes amending the Regulation, it may be accompanied by a legislative proposal, in particular*** in respect of amending the notification thresholds for concentrations and for public procurement procedures, exempting certain categories of undertakings from the notification obligations under this Regulation, ***introducing lower notification thresholds specific to certain economic sectors***, as well as amending the time limits for the preliminary review and the in-depth investigations of notified concentrations or notified financial contributions in the context of a public procurement procedure. In relation to financial contributions in the context of a public procurement procedure, the ***evaluation*** should be ***conducted*** in a way that takes into account the interests of SMEs. ***During its evaluation, the Commission should consider to abrogate the present Regulation, if it considers that the development of multilateral rules to address distortive subsidies has rendered this Regulation fully redundant.***

Or. en

Amendment 155
Gilles Lebreton

Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) In order to ensure a level playing field on the internal market also in the long term, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of ***amending the notification thresholds for concentrations and for public procurement procedures***, exempting certain categories of undertakings from the notification obligations under this Regulation, ***as well as amending the time limits for the preliminary review and the in-depth investigations of notified concentrations or notified financial contributions in the context of a public procurement procedure***. In relation to financial contributions in the context of a public procurement procedure, the power to adopt such acts should be exercised in a way that takes into account the interests of SMEs. It is of particular importance that the Commission carries out appropriate consultations during the preparations of those acts, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment

(48) In order to ensure a level playing field on the internal market also in the long term, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of exempting certain categories of undertakings from the notification obligations under this Regulation. In relation to financial contributions in the context of a public procurement procedure, the power to adopt such acts should be exercised in a way that takes into account the interests of SMEs. It is of particular importance that the Commission carries out appropriate consultations during the preparations of those acts, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁴⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

⁴⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

Or. fr

Amendment 156

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

Proposal for a regulation

Recital 48

Text proposed by the Commission

(48) In order to ensure a level playing field on the internal market also in the long term, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending the notification thresholds for concentrations and for public procurement procedures, exempting certain categories of undertakings from the notification obligations under this Regulation, as well as amending the time limits for the preliminary review and the in-depth investigations of notified concentrations or notified financial contributions in the context of a public procurement procedure. ***In relation to financial contributions in the context of a public procurement procedure, the power to adopt*** such acts should ***be exercised in a way that takes*** into account the interests of SMEs. It is of particular importance that the Commission carries out appropriate consultations during the preparations of those acts, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴⁷. In particular, to ensure equal participation in

Amendment

(48) In order to ensure a level playing field on the internal market also in the long term, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, ***the Commission should review the functioning and effectiveness of this Regulation at the latest three years after its entry into force. The Commission should present its findings in a report to the European Parliament and the Council.*** The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending the notification thresholds for concentrations and for public procurement procedures, ***including the use of different thresholds for certain sectors,*** exempting certain categories of undertakings from the notification obligations under this Regulation, as well as amending the time limits for the preliminary review and the in-depth investigations of notified concentrations or notified financial contributions in the context of a public procurement procedure. Such acts should ***take*** into account the interests of SMEs. It is of particular importance that the Commission carries out appropriate consultations during the preparations of those acts, including at expert level, and that those consultations be

the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁴⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

⁴⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

Or. en

Amendment 157

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 48

Text proposed by the Commission

(48) In order to ensure a level playing field on the internal market also in the long term, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending the notification thresholds for concentrations and for public procurement procedures, exempting certain categories of undertakings from the notification obligations under this Regulation, as well as amending the time limits for the preliminary review and the in-depth investigations of notified concentrations or

Amendment

(48) In order to ensure a level playing field on the internal market also in the long term, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of ***specifying economically equivalent support measure to a financial contribution, establishing criteria for identifying actions that can be plausibly attributed to third countries, specifying the methodology underlying the balancing assessment, adopting a methodology for determining that a serious risk of***

notified financial contributions in the context of a public procurement procedure. In relation to financial contributions in the context of a public procurement procedure, the power to adopt such acts should be exercised in a way that takes into account the interests of SMEs. It is of particular importance that the Commission carries out appropriate consultations during the preparations of those acts, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

substantial and irreparable damage to competition arises on the internal market, amending the notification thresholds for concentrations and for public procurement procedures, exempting certain categories of undertakings from the notification obligations under this Regulation, as well as amending the time limits for the preliminary review and the in-depth investigations of notified concentrations or notified financial contributions ***economically equivalent support measures*** in the context of a public procurement procedure. In relation to financial contributions ***economically equivalent support measure*** in the context of a public procurement procedure, the power to adopt such acts should be exercised in a way that takes into account the interests of SMEs. It is of particular importance that the Commission carries out appropriate consultations during the preparations of those acts, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁴⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

Or. en

Amendment 158
Geert Bourgeois

Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) In order to ensure a level playing field on the internal market also in the long term, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending the notification thresholds for concentrations and for public procurement procedures, exempting certain categories of undertakings from the notification obligations under this Regulation, as well as amending the time limits for the preliminary review and the in-depth investigations of notified concentrations or notified financial contributions in the context of a public procurement procedure. In relation to financial contributions in the context of a public procurement procedure, the power to adopt such acts should be exercised in a way that takes into account the interests of SMEs. It is of particular importance that the Commission carries out appropriate consultations during the preparations of those acts, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment

(48) In order to ensure a level playing field on the internal market also in the long term, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending the notification thresholds for concentrations and for public procurement procedures, exempting certain categories of undertakings from the notification obligations under this Regulation, as well as amending the time limits for the preliminary review and the in-depth investigations of notified concentrations or notified financial contributions in the context of a public procurement procedure. In relation to financial contributions in the context of a public procurement procedure, the power to adopt such acts should be exercised in a way that takes into account the interests of SMEs. It is of particular importance that the Commission carries out ***analysis during the preparations of those acts, mainly including the quantified cost-benefit analysis and ex-ante analysis on impact on investments and consumers welfare. It is also of particular importance that the Commission carries out*** appropriate consultations during the preparations of those acts, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups

dealing with the preparation of delegated acts.

⁴⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

⁴⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

Or. en

Amendment 159 **Carles Puigdemont i Casamajó**

Proposal for a regulation **Recital 48**

Text proposed by the Commission

(48) In order to ensure a level playing field on the internal market also in the long term, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending the notification thresholds for concentrations and for public procurement procedures, exempting certain categories of undertakings from the notification obligations under this Regulation, as well as amending the time limits for the preliminary review and the in-depth investigations of notified concentrations or notified financial contributions in the context of a public procurement procedure. In relation to financial contributions in the context of a public procurement procedure, the power to adopt such acts should be exercised in a way that takes into account the interests of SMEs. It is of particular importance that the Commission carries out appropriate consultations during the preparations of those acts, including at expert level, and that those consultations be conducted in accordance with the

Amendment

(48) In order to ensure a level playing field on the internal market also in the long term, ***as well as the Union's strategic autonomy***, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending the notification thresholds for concentrations and for public procurement procedures, exempting certain categories of undertakings from the notification obligations under this Regulation, as well as amending the time limits for the preliminary review and the in-depth investigations of notified concentrations or notified financial contributions in the context of a public procurement procedure, ***after the Parliament has been duly informed***. In relation to financial contributions in the context of a public procurement procedure, the power to adopt such acts should be exercised in a way that takes into account the interests of SMEs. It is of particular importance that the Commission carries out appropriate consultations during the

principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' *experts, and their* experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

preparations of those acts, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as *experts from Member States and regions, as well as specialised civil society organisations, and these* experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁴⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

⁴⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

Or. en

Amendment 160

Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation

Recital 48

Text proposed by the Commission

(48) In order to ensure a level playing field on the internal market also in the long term, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending the notification thresholds for concentrations and for public procurement procedures, exempting certain categories of undertakings from the notification obligations under this Regulation, as well

Amendment

(48) In order to ensure a level playing field on the internal market also in the long term, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending the notification thresholds for concentrations and for public procurement procedures, exempting certain categories of undertakings from the notification obligations under this Regulation, as well

as amending the time limits for the preliminary review and the in-depth investigations of notified concentrations or notified *financial contributions* in the context of a public procurement procedure. In relation to *financial contributions* in the context of a public procurement procedure, the power to adopt such acts should be exercised in a way that takes into account the interests of SMEs. It is of particular importance that the Commission carries out appropriate consultations during the preparations of those acts, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁴⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

as amending the time limits for the preliminary review and the in-depth investigations of notified concentrations or notified *foreign subsidies* in the context of a public procurement procedure. In relation to *foreign subsidies* in the context of a public procurement procedure, the power to adopt such acts should be exercised in a way that takes into account the interests of SMEs. It is of particular importance that the Commission carries out appropriate consultations during the preparations of those acts, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁴⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

Or. en

Amendment 161
Carles Puigdemont i Casamajó

Proposal for a regulation
Recital 48 a (new)

Text proposed by the Commission

Amendment

(48 a) The Commission, taking into account the work undertaken by the Parliament and the Council, should

evaluate the scope, functioning and effectiveness of this Regulation within three years after its entry into force. The Parliament could then ask a revision of this Regulation through its annual report on the implementation of the common commercial policy.

Or. en

Amendment 162
Massimiliano Salini, Iuliu Winkler

Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) Where a concentration is notifiable pursuant to this Regulation, financial contributions to any of the parties to the concentration granted in the **three** years prior to the date of application of this Regulation should fall within the scope of this Regulation. In the context of a public procurement procedure, this Regulation should also apply to a financial contribution granted to an undertaking in the **three** years prior to the date of application of this Regulation,

Amendment

(49) Where a concentration is notifiable pursuant to this Regulation, financial contributions to any of the parties to the concentration granted in the **five** years prior to the date of application of this Regulation should fall within the scope of this Regulation. In the context of a public procurement procedure, this Regulation should also apply to a financial contribution granted to an undertaking in the **five** years prior to the date of application of this Regulation,

Or. en

Amendment 163
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) Where a concentration is notifiable pursuant to this Regulation, **financial contributions** to any of the parties to the concentration granted in the three years prior to the date of application of this

Amendment

(49) Where a concentration is notifiable pursuant to this Regulation, **foreign subsidy** to any of the parties to the concentration granted in the three years prior to the date of application of this

Regulation should fall within the scope of this Regulation. In the context of a public procurement procedure, this Regulation should also apply to a **financial contribution** granted to an undertaking in the three years prior to the date of application of this Regulation,

Regulation should fall within the scope of this Regulation. In the context of a public procurement procedure, this Regulation should also apply to a **foreign subsidy** granted to an undertaking in the three years prior to the date of application of this Regulation,

Or. en

Amendment 164

Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation

Article 1 – paragraph 2

Text proposed by the Commission

(2) This Regulation addresses foreign subsidies **granted** to an undertaking engaging in an economic activity in the internal market. An undertaking acquiring control or merging with **an** undertaking established in the Union or an undertaking participating in a public procurement procedure is considered to be engaging in an economic activity in the internal market.

Amendment

(2) This Regulation addresses foreign subsidies **conferring an advantage** to an undertaking engaging in an economic activity in the internal market. **Such advantage is deemed to exist from any moment it can cause distortions, including prior to the actual receipt of, or entitlement to, the subsidy by the beneficiary.** An undertaking acquiring control or merging with **any** undertaking established in the Union or an undertaking participating in a public procurement procedure is considered to be engaging in an economic activity in the internal market.

Or. en

Amendment 165

Geert Bourgeois

Proposal for a regulation

Article 1 – paragraph 2

Text proposed by the Commission

(2) This Regulation addresses foreign subsidies granted to an undertaking engaging in an economic activity in the

Amendment

(2) This Regulation addresses foreign subsidies granted **conferring an advantage** to an undertaking engaging in an economic

internal market. An undertaking acquiring control or merging with an undertaking established in the Union or an undertaking participating in a public procurement procedure is considered to be engaging in an economic activity in the internal market.

activity in the internal market. An undertaking acquiring control or merging with an undertaking established in the Union or an undertaking participating in a public procurement procedure is considered to be engaging in an economic activity in the internal market.

Or. en

Amendment 166 **Geert Bourgeois**

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

Text proposed by the Commission

(1) For the purpose of this Regulation, a foreign subsidy shall be deemed to exist where a third country provides a financial contribution which confers a benefit to an undertaking engaging in an economic activity in the internal market and which is limited, in law or in fact, to an individual undertaking or industry or to several undertakings or industries.

Amendment

(1) For the purpose of this Regulation, a foreign subsidy shall be deemed to exist where a third country provides a financial contribution ***or any other advantage*** which confers a benefit to an undertaking engaging in an economic activity in the internal market, ***including any commercial interaction with a public or private operator, regardless of the place where the commercial interaction occurs*** and which is limited, in law or in fact, to an individual undertaking or industry or to several undertakings or industries. ***Such advantage is deemed to exist from the moment it first causes a distortion, even if prior to the beneficiary's actual receipt of, or full entitlement to, the advantage. This can occur, for example, if the advantage is conditional or if there is a pattern of advantages granted to such a beneficiary in similar situations.***

Or. en

Amendment 167 **Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl**

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

(1) For the purpose of this Regulation, a foreign subsidy shall be deemed to exist where a third country provides a financial contribution which confers a benefit to **an** undertaking engaging in an economic activity in the internal market and which is limited, in law or in fact, to an individual undertaking or industry or to several undertakings or industries.

Amendment

(1) For the purpose of this Regulation, a foreign subsidy shall be deemed to exist where a third country provides a financial contribution **or any other advantage** which confers a benefit to **any** undertaking engaging in an economic activity in the internal market **including any commercial interaction with a public or private operator, regardless of the place where the commercial interaction occurs**, and which is limited, in law or in fact, to an individual undertaking or industry or to several undertakings or industries. **Such advantage shall be considered to exist from the moment it first causes a disruption, even if it is prior to the beneficiary's receipt of the subsidy or being fully entitled to it. This may occur if the advantage is conditional or if there is a pattern of advantages granted to the latter beneficiary in similar situations.**

Or. en

Amendment 168 Emmanuel Maurel

Proposal for a regulation Article 2 – paragraph 1

Text proposed by the Commission

(1) For the purpose of this Regulation, a foreign subsidy shall be deemed to exist where a third country provides a financial contribution which confers a benefit to an undertaking engaging in an economic activity in the internal market and which is limited, in law or in fact, to an individual undertaking or industry or to several undertakings or industries.

Amendment

(1) For the purpose of this Regulation, a foreign subsidy **or any other measure with an equivalent effect** shall be deemed to exist where a third country provides a financial **or non-financial** contribution which confers a benefit to an undertaking engaging in an economic activity in the internal market and which is limited, in law or in fact, to an individual undertaking or industry or to several undertakings or industries.

Amendment 169

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

(1) For the purpose of this Regulation, a foreign subsidy shall be deemed to exist where a third country provides a financial contribution which *confers a* benefit to an undertaking engaging in an economic activity in the internal market and which is limited, in law or in fact, to an individual undertaking or industry or to several undertakings or industries.

Amendment

(1) For the purpose of this Regulation, a foreign subsidy shall be deemed to exist where a third country provides a financial contribution *or an economically equivalent support measure* which *confer a plausible* benefit to an undertaking engaging in an economic activity in the internal market and which is limited, in law or in fact, to an individual undertaking or industry or to several undertakings or industries.

Or. en

Amendment 170

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

Proposal for a regulation

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1 a) other advantages shall include regulatory requirements which are lower than those set in the Union as well as all economic benefits that could not be obtained on normal market conditions, such as:

Or. en

Amendment 171

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

Proposal for a regulation

Article 2 – paragraph 2 – point a – introductory part

Text proposed by the Commission

Amendment

(a) a financial contribution shall include:

(a) a financial contribution shall include, *inter alia*:

Or. en

Amendment 172

Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation

Article 2 – paragraph 2 – point a – introductory part

Text proposed by the Commission

Amendment

(a) a financial contribution shall include:

(a) a financial contribution shall include, *inter alia*:

Or. en

Amendment 173

Geert Bourgeois

Proposal for a regulation

Article 2 – paragraph 2 – point a – introductory part

Text proposed by the Commission

Amendment

(a) a financial contribution shall include:

(a) a financial contribution shall include, *in a non-exhaustive manner*:

Or. en

Amendment 174

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 2 – point a – point i

Text proposed by the Commission

(i) the transfer of funds or liabilities, such as capital injections, grants, loans, loan guarantees, fiscal incentives, setting off of operating losses, compensation for financial burdens imposed by public authorities, debt forgiveness, debt to equity swaps or rescheduling;

Amendment

(i) the transfer of funds or liabilities, such as capital injections, grants, loans, loan guarantees, fiscal incentives, setting off of operating losses, compensation for financial burdens imposed by public authorities, debt forgiveness, debt to equity swaps or rescheduling, ***as well as price transfers from a parent company under the control of a foreign entity as referred to in points (i) and (ii) of paragraph 2(b);***

Or. en

Amendment 175
Geert Bourgeois

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

Text proposed by the Commission

(i) the transfer of funds or liabilities, such as capital injections, grants, loans, loan guarantees, fiscal incentives, setting off of operating losses, compensation for financial burdens imposed by public authorities, debt forgiveness, debt to equity swaps or rescheduling;

Amendment

(i) the transfer of funds or liabilities, such as capital injections, grants, loans, loan guarantees, fiscal incentives, ***tax exemptions***, setting off of operating losses, compensation for financial burdens imposed by public authorities, debt forgiveness, debt to equity swaps or rescheduling;

Or. en

Amendment 176
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Løkkegaard

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

Text proposed by the Commission

(ii) the foregoing of revenue that is otherwise due; ***or***

Amendment

(ii) the foregoing of revenue that is otherwise due ***such as granting special or exclusive rights without adequate***

remuneration or tax exemptions;

Or. en

Amendment 177

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 2 – point a – point iii

Text proposed by the Commission

(iii) the provision of goods or services or the purchase of goods and services;

Amendment

(iii) the provision of goods or services or the purchase of goods and services; ***with the exception of the purchase of goods and services based on public procurement contracts awarded after a competitive tendering procedure abiding by the principles of WTO Agreement on Government Procurement; or***

Or. en

Amendment 178

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

Proposal for a regulation

Article 2 – paragraph 2 – point a – point iii

Text proposed by the Commission

(iii) the provision of goods or services or the purchase of goods ***and*** services;

Amendment

(iii) the provision of goods or services or the purchase of goods ***or*** services;

Or. en

Amendment 179

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(iii a) the full or partial exemption, remission, or deferral of charges or taxes paid or payable, including environmental or social welfare charges or taxes;

Or. en

Amendment 180
Geert Bourgeois

Proposal for a regulation
Article 2 – paragraph 2 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) any financial advantage in any form whatsoever funded directly or indirectly through state resources of the third country;

Or. en

Amendment 181
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 2 – paragraph 2 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) (iii a) the benefit of a domestic captive market in the third country, such as a monopoly position

Or. en

Amendment 182
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a a) A support measure that is economically equivalent to a financial contribution shall result in a benefit to an undertaking engaging in an economic activity in the internal market that is economically equivalent to the benefit conferred by a financial contribution referred to under point 2(a) and it shall refer to a policy action or non-action in a third country including:

(i) inadequately remunerated special or exclusive rights;

(ii) conditions in a domestic captive market in the third country that can be attributed to the legal and economic environment prevailing in that country and that result in the de jure or de facto exclusion of competitors originating in the EU;

(iii) any selective exemption from or failure to ensure compliance with applicable rules, such as obligations relating to environmental, social and labour law and standards;

Or. en

Amendment 183

Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a a) other advantages shall include regulatory requirements which are lower than those in effect in the EU as well as all economic benefits that could not be obtained on normal market conditions - i.e.:without an intervention of subsidizing entities referred under (c) such as:

(i) exclusive or special rights for the provision of goods or services in the third country or

(ii) the benefit of a domestic captive market in the third country that can be attributed to the legal and economic environment prevailing in the third country and resulting in the de jure or de facto exclusion of competitors originating in the EU.

Or. en

Amendment 184

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 2 – point b – introductory part

Text proposed by the Commission

(b) the financial contribution provided by the third country shall include the financial contribution provided by:

Amendment

(b) the financial contribution *or an economically equivalent support measure* provided by the third country shall include the financial contribution *or an economically equivalent support measure* provided by:

Or. en

Amendment 185

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

Proposal for a regulation

Article 2 – paragraph 2 – point b – introductory part

Text proposed by the Commission

(b) the financial contribution provided by the third country shall include the financial contribution provided by:

Amendment

(b) the financial contribution *or any other advantage* provided by the third country shall include the financial contribution *or advantage* provided by:

Or. en

Amendment 186
Geert Bourgeois

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

Text proposed by the Commission

(b) the financial contribution provided by the third country shall include the financial contribution provided by:

Amendment

(b) the financial contribution ***or any other advantage*** provided by the third country shall include the financial contribution ***or advantage*** provided by:

Or. en

Amendment 187
Reinhard Bütikofer
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

(ii) foreign public entities, whose actions can be attributed to the third country, taking into account elements such as the characteristics of the entity, the legal and economic environment prevailing in the State in which the entity operates including the government's role in the economy; or

Amendment

(ii) foreign public entities, whose actions can be ***plausibly*** attributed to the third country, taking into account elements such as the characteristics of the entity, the legal and economic environment prevailing in the State in which the entity operates including the government's role in the economy ***and in particular whether the subsidy is provided by a non-market economy***; or

Or. en

Amendment 188
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

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

Text proposed by the Commission

Amendment

(iii) any private entity whose actions can be attributed to the third country, taking into account all relevant circumstances.

(iii) any private entity whose actions can be attributed to the third country, taking into account all relevant circumstances, *or whose actions cannot clearly be demonstrated to be independent of government policies.*

Or. en

Amendment 189

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 2 – point b – point iii

Text proposed by the Commission

(iii) any private entity whose actions can be attributed to the third country, taking into account all relevant circumstances.

Amendment

(iii) any private entity whose actions can be *plausibly* attributed to the third country, taking into account all relevant circumstances.

Or. en

Amendment 190

Carles Puigdemont i Casamajó

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(b a) The Commission shall also consider as a financial contribution any privileged access of an undertaking to its own domestic market, such as, but not only, exclusive rights of entry, or lower administrative barriers. The Commission shall assess this type of financial contribution on a case-by-case basis.

Or. en

Amendment 191
Carles Puigdemont i Casamajó

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

Text proposed by the Commission

Amendment

(b b) The Commission shall also assess whether the undertaking that has received a financial contribution from its third country of origin has a history of other distortive practices, such as dumping, or a history of violations on human rights, especially when it refers to forced labour and child labour. This history shall also be taken into account by the Commission as complementary indicators. The Parliament shall flag it through its annual report on the implementation of the common commercial policy.

Or. en

Amendment 192
Geert Bourgeois

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

Text proposed by the Commission

Amendment

(2 a) For the purpose of this Regulation, other financial and competitive advantages shall be deemed to exist when:

(i) financial relations with public undertakings are not structured at arms' length or are not in line with normal market conditions in the market concerned; or

(ii) exclusive or special rights have been granted explicitly or de facto to one or more undertakings who subsequently leverage those exclusive or special rights by off-setting costs or losses incurred on the European internal market by

increased turnover or profits on the captive markets where those exclusive or special rights apply.

Or. en

Amendment 193
Reinhard Bütikofer
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

(2 a) The Commission is empowered to adopt a delegated act for the purpose of 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 referred to in paragraphs 1 and 2 of this Article.

Or. en

Amendment 194
Reinhard Bütikofer
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

(2 b) For the purpose of this Regulation, where the Commission has well-founded evidence of the existence of significant distortions in a third country or a sector in a third country, public undertakings from this country, which are directly or indirectly state owned or controlled, shall be presumed having received distortive foreign subsidies in the absence of proof of the contrary.

Amendment 195
Geert Bourgeois

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

Text proposed by the Commission

Amendment

(2 b) For the purpose of this Regulation, where the Commission has well-founded evidence of the existence of significant distortions in a third country or a sector in a third country, public undertakings from this country, which are directly or indirectly state owned or controlled, shall be presumed having received distortive foreign subsidies in the absence of proof of the contrary.

Or. en

Amendment 196
Guy Verhofstadt, Dacian Cioloş

Proposal for a regulation
Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2 a

For the purpose of this Regulation, where the Commission has well-founded evidence of the existence of significant distortions in a third country or a sector in a third country, public undertakings from this country, which are directly or indirectly state owned or controlled, shall be presumed having received distortive foreign subsidies in the absence of proof of the contrary.

Or. en

Amendment 197

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

Proposal for a regulation

Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

(1) A distortion on the internal market shall be deemed to exist where a foreign subsidy is liable to improve the competitive position of the undertaking concerned in the internal market and where, in doing so, it actually or potentially negatively affects competition on the internal market. Whether there is a distortion on the internal market shall be determined on the basis of indicators, which may include the following:

Amendment

(1) A distortion on the internal market shall be deemed to exist where a foreign subsidy is liable to improve the competitive position of the undertaking concerned in the internal market and where, in doing so, it actually or potentially negatively affects competition on the internal market. Whether there is a distortion on the internal market shall be determined on the basis of indicators, which may include, *inter alia*, the following:

Or. en

Amendment 198

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

(1) A distortion on the internal market shall be deemed to exist where a foreign subsidy is liable to improve the competitive position of the undertaking concerned in the internal market and where, in doing so, it actually or potentially negatively affects competition on the internal market. Whether there is a distortion on the internal market shall be determined on the basis of indicators, which *may* include the following:

Amendment

(1) A distortion on the internal market shall be deemed to exist where a foreign subsidy is liable to improve the competitive position of the undertaking concerned in the internal market and where, in doing so, it actually or potentially negatively affects competition on the internal market. Whether there is a distortion on the internal market shall be determined on the basis of indicators, which *shall at least* include the following:

Or. en

Amendment 199
José Manuel García-Margallo y Marfil

Proposal for a regulation
Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) the situation of the undertaking and the markets concerned;

Amendment

(c) the situation of the undertaking and the markets concerned. ***For a subsidiary of a foreign company established outside the Union, the situation of the parent company in its respective market;***

Or. es

Amendment 200
Dita Charanzová

Proposal for a regulation
Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) the situation of the undertaking and the markets concerned;

Amendment

(c) the situation of the undertaking, ***including its size***, and the markets concerned;

Or. en

Amendment 201
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Løkkegaard

Proposal for a regulation
Article 3 – paragraph 1 – point d

Text proposed by the Commission

(d) the level of economic activity of the undertaking concerned on the internal market;

Amendment

(d) the level of economic activity of the undertaking concerned on the internal market, ***including of any subsidiaries of that undertaking on the internal market;***

Or. en

Amendment 202

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

Proposal for a regulation

Article 3 – paragraph 1 – point d

Text proposed by the Commission

(d) the level of economic activity of the undertaking concerned on the internal market;

Amendment

(d) the level ***and evolution*** of economic activity of the undertaking concerned on the internal market;

Or. en

Amendment 203

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

Proposal for a regulation

Article 3 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) the level of economic activity of that undertaking on its domestic market;

Or. en

Amendment 204

Carles Puigdemont i Casamajó

Proposal for a regulation

Article 3 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) a history of other distortive practices, such as dumping, or a history of violations on human rights, especially when it refers to forced labour and child labour.

Or. en

Amendment 205
Emmanuel Maurel

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

(2) A foreign subsidy is unlikely to distort the internal market if its total amount is below EUR 5 million over any consecutive period of three fiscal years.

Amendment

deleted

Or. fr

Amendment 206
Geert Bourgeois

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

(2) A foreign subsidy is unlikely to distort the internal market if its total amount is below EUR 5 million over any consecutive period of three fiscal years.

Amendment

(2) A foreign subsidy is unlikely to distort the internal market if:

(a) its total amount is below EUR 5 million over any consecutive period of three fiscal years, *or*

(b) the foreign subsidy is granted by the third country, which has in place a legislative measure for the review of subsidies that guarantee the equivalent level of competition protection. By 30 June 2023, the Commission shall publish the list of such countries. This list shall be regularly reviewed.

Or. en

Amendment 207
Catharina Rinzema, Marie-Pierre Vedrenne, Urmas Paet, Samira Rafaela

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

(2) A foreign subsidy is unlikely to distort the internal market if its total amount is below EUR **5 million** over any consecutive period of three fiscal years.

Amendment

(2) A foreign subsidy is unlikely to distort the internal market if its total amount is below EUR **200.000** over any consecutive period of three fiscal years, **and that undertaking is established in the internal market.**

Or. en

Amendment 208
José Manuel García-Margallo y Marfil

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

(2) A foreign subsidy is unlikely to distort the internal market if its total amount is below EUR **5 million** over any consecutive period of three fiscal years.

Amendment

(2) A foreign subsidy is unlikely to distort the internal market if its total amount is below EUR **1 million** over any consecutive period of three fiscal years.

Or. es

Amendment 209
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

(2) A foreign subsidy is unlikely to distort the internal market if its total amount is below **EUR 5 million over any consecutive period of three fiscal years.**

Amendment

(2) A foreign subsidy is unlikely to distort the internal market if its total amount is below **the de minimis threshold, laid down in Commission Regulation No 1407/2013 over a year.**

Or. en

Amendment 210
Massimiliano Salini, Iuliu Winkler

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

(2) A foreign subsidy is unlikely to distort the internal market if its total amount is below EUR 5 million over any consecutive period of **three** fiscal years.

Amendment

(2) A foreign subsidy is unlikely to distort the internal market if its total amount is below EUR 5 million over any consecutive period of **five** fiscal years.

Or. en

Amendment 211
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation
Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2 a) The European Commission's findings of subsidies benefitting third country producers in a given sector made in relevant and recent Trade Defence Instruments (TDIs) investigations, or subsidies documented in reports published by international intergovernmental organizations shall constitute sufficient evidence of distortive subsidies to operators in the countries and sectors concerned having met the relevant threshold.

Or. en

Amendment 212
Geert Bourgeois

Proposal for a regulation
Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2 a) By 30 June 2023, the Commission shall publish guidelines providing further examples and clarification on how each indicator of distortion will be applied, including the types and purposes of subsidies that cause distortion in the internal market. The guidelines shall be regularly updated.

Or. en

Amendment 213

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

Proposal for a regulation

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2 a) To ensure efficiency and transparency, the Commission shall publish guidelines on the application of this Article. Those guidelines shall be regularly updated, in close cooperation with the Member States, while keeping the European Parliament informed.

Or. en

Amendment 214

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

Proposal for a regulation

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2 a) A foreign subsidy is unlikely to distort the internal market if its total amount is below EUR 5 million over any consecutive period of three fiscal years, and that undertaking is established in a third country.

Amendment 215
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2 a) The Commission is empowered to adopt a delegated act for the purpose of supplementing the indicators referred to in paragraph 1.

Or. en

Amendment 216
Geert Bourgeois

Proposal for a regulation
Article 3 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(2 b) By 30 June 2023 the Commission shall publish a report on the possibility of introduction of an online tool for the indicative assessment of foreign subsidies, stating the risk level which is expected based on the provided data for quantitative indicators.

Or. en

Amendment 217
Catharina Rinzema, Marie-Pierre Vedrenne, Svenja Hahn, Urmas Paet, Samira Rafaela, Morten Løkkegaard

Proposal for a regulation
Article 3 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(2 b) The Commission shall make available guidelines on the application of this Article.

Or. en

Amendment 218

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 1 – point 2

Text proposed by the Commission

(2) a foreign subsidy in the form of an unlimited guarantee for debts or liabilities of the undertaking, that is to say without any limitation as to the amount or the duration of such guarantee;

Amendment

(2) a foreign subsidy in the form of an unlimited guarantee for debts or liabilities of the undertaking, that is to say without any limitation as to the amount or the duration of such guarantee *or a guarantee provided below market costs*;

Or. en

Amendment 219

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

Proposal for a regulation

Article 4 – paragraph 1 – point 4

Text proposed by the Commission

(4) a foreign subsidy enabling an undertaking to submit an unduly advantageous tender, on the basis of which the undertaking would be awarded the public contract.

Amendment

(4) a foreign subsidy enabling an undertaking to submit an unduly advantageous tender, on the basis of which the undertaking would be awarded the public *or private* contract.

Or. en

Amendment 220

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 4 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

(4 a) all export financing subsidies granted by countries which are not signatories to the OECD Arrangement on officially supported export credits where they cause a distortion in the internal market;

all foreign subsidies to beneficiaries active in sectors:

- characterized by structural excess capacity;

- featuring high-tech and/or dual-use products to a significant extent; or

- designated as strategic by the government providing the subsidies.

Or. en

Amendment 221

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

Proposal for a regulation
Article 4 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

(4 a) all export financing subsidies granted by third countries which are not signatories to the OECD Arrangement on officially supported export credits where they cause a distortion in the internal market;

Or. en

Amendment 222

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

Proposal for a regulation

Article 4 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

(4 a) a foreign subsidy compensating for the operating costs of an undertaking, enabling that undertaking to offset its operating losses and provide goods and services at price levels that are not economically justifiable.

Or. en

Amendment 223
Emmanuel Maurel

Proposal for a regulation
Article 4 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

(4a) Any non-financial measure with an equivalent effect to a subsidy for the beneficiary

Or. fr

Amendment 224
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 4 – paragraph 1 – point 4 b (new)

Text proposed by the Commission

Amendment

(4 b) all foreign subsidy to beneficiaries active in sectors which are characterized by structural excess capacity; featuring high-tech and/or dual-use products to a significant extent; or are designated as strategic by the government providing the subsidies.

Or. en

Amendment 225

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

Proposal for a regulation

Article 4 – paragraph 1 – point 4 c (new)

Text proposed by the Commission

Amendment

(4 c) foreign subsidies to operators which have privileged and/or protected access to a significant non-EU market, especially if the non-EU market is the operator's domestic market.

Or. en

Amendment 226

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

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

a foreign subsidy from countries which are not signatories to the OECD arrangement on officially supported export credits;

Or. en

Amendment 227

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

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

the transfer of a foreign subsidy to a subsidiary of the undertaking established in the internal market;

Or. en

Amendment 228

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

Proposal for a regulation

Article 4 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

a foreign subsidy in sectors with structural overcapacity;

Or. en

Amendment 229

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

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

Amendment

(1) The Commission ***shall***, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity.

(1) ***In exceptional circumstances*** the Commission ***may***, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity ***for the fulfilment of public policy objectives.***

Or. en

Amendment 230

Bernd Lange

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

Amendment

(1) The Commission ***shall***, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic

(1) ***In exceptional circumstances*** the Commission ***may***, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the

activity.

development of the relevant economic activity *for the fulfilment of public policy objectives*.

Or. en

Amendment 231

Gilles Lebreton

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

(1) The Commission shall, **where warranted**, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity.

Amendment

(1) The Commission shall balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity.

Or. fr

Amendment 232

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

(1) The Commission shall, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity.

Amendment

(1) The Commission shall, where warranted, balance, **both short and long-term**, the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity, **including positive environmental and social externalities providing a contribution to EU policy objectives**.

Or. en

Amendment 233

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

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

(1) The Commission shall, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity.

Amendment

(1) The Commission shall, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity, ***based on the contribution of a foreign subsidy to the fulfilment of the objectives of the EU policies in the field concerned.***

Or. en

Amendment 234

Geert Bourgeois

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

(1) The Commission shall, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity.

Amendment

(1) The Commission shall, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity, ***taking into account the contribution of a foreign subsidy to the objectives of Union policies in the field concerned.***

Or. en

Amendment 235

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

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

(1) The Commission shall, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity.

Amendment

(1) The Commission shall, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity. ***The positive effects shall contribute to the achievement of the objectives of Union policies.***

Or. en

Amendment 236
Dita Charanzová

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

(1) The Commission shall, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity.

Amendment

(1) The Commission shall, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity ***and on other EU policy objectives.***

Or. en

Amendment 237
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

(1) The Commission shall, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity.

Amendment

(1) The Commission shall, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity. ***The Commission shall duly inform the Parliament and the Council.***

Amendment 238

Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

(2) The Commission shall take into account the balancing between the negative and positive effects when deciding whether to impose redressive measures or to accept commitments, and the nature and level of those redressive measures or commitments.

Amendment

(2) The Commission shall take into account the balancing between the negative and positive effects when deciding whether to impose redressive measures or to accept commitments, and the nature and level of those redressive measures or commitments.
The general objective of tackling distortions created by foreign subsidies, in particular those which may endanger the preservation of a strong industrial base in the Union with sustainable and diversified supply chains, should be given special consideration.

Or. en

Amendment 239

Geert Bourgeois

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

(2) The Commission shall take into account the balancing between the negative and positive effects when deciding whether to impose redressive measures or to accept commitments, and the nature and level of those redressive measures or commitments.

Amendment

(2) The Commission shall take into account the balancing between the negative and positive effects when deciding whether to impose redressive measures or to accept commitments, and the nature and level of those redressive measures or commitments.
The general objective of tackling distortions created by foreign subsidies, in particular those which may endanger the preservation of a strong industrial base in the Union with sustainable and diversified supply chains, should be given special

consideration.

Or. en

Amendment 240

Massimiliano Salini, Iuliu Winkler, Arnaud Danjean

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

(2) The Commission shall take into account the balancing between the negative and positive effects when deciding whether to impose redressive measures or to accept commitments, and the nature and level of those redressive measures or commitments.

Amendment

(2) The Commission shall take into account the balancing between the negative and positive effects when deciding whether to impose redressive measures or to accept commitments, and the nature and level of those redressive measures or commitments. ***The Commission will publish guidance on how to perform the balancing exercise by the date of application of this Regulation.***

Or. en

Amendment 241

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

(2) The Commission shall take into account the balancing between the negative and positive effects when deciding whether to impose redressive measures or to accept commitments, and the nature and level of those redressive measures or commitments.

Amendment

(2) The Commission shall take into account the balancing between the negative and positive effects when deciding whether ***to adopt a decision to initiate an in-depth investigation as provided for in Article 9,*** to impose redressive measures or to accept commitments, and the nature and level of those redressive measures or commitments.

Or. en

Amendment 242
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

(2) The Commission shall take into account the balancing between the negative and positive effects when deciding whether to impose redressive measures or to accept commitments, and the nature and level of those redressive measures or commitments.

Amendment

(2) The Commission shall take into account the balancing between the negative and positive effects when deciding whether to impose redressive measures or to accept commitments, and the nature and level of those redressive measures or commitments.
The Commission shall duly inform the Parliament and the Council.

Or. en

Amendment 243
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2 a) The Commission shall carry out a full, thorough and timely consultation of relevant Union industries affected by the distortions. The Commission may - in close cooperation with Member States and relevant stakeholders and industries affected by the distortions - publish guidelines on the application of this article, in order to further specify what constitutes a negative effect and the indicators used in the before-mentioned evaluation. The Parliament and the Council shall regularly be informed.

Or. en

Amendment 244
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2 a) The balancing assessment referred to in paragraph 1 shall be disclosed on a dedicated webpage of the Commission. The Commission shall also provide for a justification on the same webpage whenever a balancing test is not carried out pursuant to paragraph 1 and shall carry out, where warranted, a consultation with Member States, Member States' trade associations and EU-wide social partners.

Or. en

Amendment 245

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

Proposal for a regulation
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2 a) The Commission shall make available guidelines on the criteria that are used for the balancing between the negative and the positive effects of a foreign subsidy.

Or. en

Amendment 246
Bernd Lange

Proposal for a regulation
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2 a) The Commission shall undertake

such assessment in close cooperation with Member States and the European Parliament.

Or. en

Amendment 247

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

Proposal for a regulation

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2 a) The Commission shall undertake such assessment in close cooperation with Member States and the European Parliament.

Or. en

Amendment 248

Bernd Lange

Proposal for a regulation

Article 5 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(2 b) By ... [the date of application of this Regulation], the Commission shall publish guidelines on the application of this Article. Those guidelines shall be developed jointly with the European Parliament and the Council. The guidelines shall be regularly updated in close cooperation with the Member States and the European Parliament.

Or. en

Amendment 249

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 5 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(2 b) The Commission is empowered to adopt delegated act for the purpose of specifying the methodology underlying the balancing assessment and in particular for the determination of positive effects referred to in paragraph 1 as well as criteria for outweighing effects.

Or. en

Amendment 250
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

(1) To remedy the distortion on the internal market actually or potentially caused by a foreign subsidy, the Commission **may** impose redressive measures. The undertaking concerned **may also** offer commitments.

(1) To remedy the distortion on the internal market actually or potentially caused by a foreign subsidy, the Commission **shall** impose redressive measures. The undertaking concerned **shall** offer commitments.

Or. en

Amendment 251
Reinhard Bütikofer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

(1) To remedy the distortion on the internal market actually or potentially caused by a foreign subsidy, the Commission **may** impose redressive

(1) To remedy the distortion on the internal market actually or potentially caused by a foreign subsidy, the Commission **shall** impose redressive

measures. The undertaking concerned may also offer commitments.

measures ***unless the balancing assessment referred to in Article 5 determines that positive effects outweigh negative ones.*** The undertaking concerned may also offer commitments.

Or. en

Amendment 252

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

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

(1) To remedy the distortion on the internal market actually or potentially caused by a foreign subsidy, ***the Commission may impose redressive measures.*** The undertaking concerned may also offer commitments.

Amendment

(1) ***Without prejudice to Article 5, the Commission shall impose redressive measures in order*** to remedy the distortion on the internal market actually or potentially caused by a foreign subsidy. The undertaking concerned may also offer commitments.

Or. en

Amendment 253

Emmanuel Maurel

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

(1) To remedy the distortion on the internal market actually or potentially caused by a foreign subsidy, the Commission may impose redressive measures. The undertaking concerned may also offer commitments.

Amendment

(1) To remedy the distortion on the internal market actually or potentially caused by a foreign subsidy, the Commission may impose redressive measures. The undertaking concerned may also offer ***tangible and verifiable commitments to put an end as quickly as possible to the potential or actual distortion caused by a subsidy or other benefit with an equivalent effect.***

Or. fr

Amendment 254
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 6 – paragraph 3 – introductory part

Text proposed by the Commission

(3) Commitments or redressive measures *may* consist of the following:

Amendment

(3) Commitments or redressive measures *shall* consist of the following:

Or. en

Amendment 255
Geert Bourgeois

Proposal for a regulation
Article 6 – paragraph 3 – introductory part

Text proposed by the Commission

(3) Commitments or redressive measures may consist of the following:

Amendment

(3) Commitments or redressive measures may consist of the following *non-exhaustive list*: :

Or. en

Amendment 256
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 6 – paragraph 3 – introductory part

Text proposed by the Commission

(3) Commitments or redressive measures may consist of the following:

Amendment

(3) Commitments or redressive measures may consist of the following *non-exhaustive list*:

Or. en

Amendment 257

Proposal for a regulation

Article 6 – paragraph 3 – introductory part

Text proposed by the Commission

(3) Commitments or redressive measures may consist of the following:

Amendment

(3) Commitments or redressive measures may consist, *inter alia*, of the following:

Or. en

Amendment 258

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 3 – introductory part

Text proposed by the Commission

(3) Commitments or redressive measures may consist of the following:

Amendment

(3) Commitments or redressive measures may, *inter alia*, consist of the following:

Or. en

Amendment 259

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

Proposal for a regulation

Article 6 – paragraph 3 – point a

Text proposed by the Commission

(a) offering access under fair and non-discriminatory conditions to an infrastructure that was acquired or supported by the distortive foreign subsidies unless such fair and non-discriminatory access is already provided for by legislation in force in the Union;

Amendment

(a) offering access under fair and non-discriminatory conditions to an infrastructure *or facility* that was acquired or supported by the distortive foreign subsidies unless such fair and non-discriminatory access is already provided for by legislation in force in the Union;

Or. en

Amendment 260

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

Proposal for a regulation

Article 6 – paragraph 3 – point b

Text proposed by the Commission

(b) reducing capacity or market presence;

Amendment

(b) reducing capacity or market presence ***notably by means of temporary market access restrictions, temporary restrictions in the supply of goods or services in the internal market where the related economic activity is distorted as a result of foreign subsidies, taking into account sectorial specificities;***

Or. en

Amendment 261

Carles Puigdemont i Casamajó

Proposal for a regulation

Article 6 – paragraph 3 – point h a (new)

Text proposed by the Commission

Amendment

(h a) commit to redress its history of other distortive practices, such as dumping, or its history of violations on human rights, especially when it refers to forced labour and child labour;

Or. en

Amendment 262

José Manuel García-Margallo y Marfil

Proposal for a regulation

Article 6 – paragraph 3 – point h a (new)

Text proposed by the Commission

Amendment

(ha) exclusion from participation in

Amendment 263

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

Proposal for a regulation

Article 6 – paragraph 3 – point h a (new)

Text proposed by the Commission

Amendment

(h a) exclusion from future procurement procedures;

Amendment 264

Carles Puigdemont i Casamajó

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

Amendment

(4) The Commission **may** impose reporting and transparency requirements.

(4) The Commission **shall** impose reporting, **accountability** and transparency requirements.

Amendment 265

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

Amendment

(4) The Commission **may** impose reporting and transparency requirements.

(4) The Commission **shall** impose reporting and transparency requirements.

Amendment 266

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

Proposal for a regulation Article 6 – paragraph 5

Text proposed by the Commission

(5) If an undertaking offers commitments which fully and effectively remedy the distortion on the internal market, the Commission may accept them and **make them** binding on the undertaking in a decision with commitments according to Article 9(3).

Amendment

(5) If an undertaking offers commitments which fully and effectively remedy the distortion on the internal market, the Commission may accept them and **the Commission shall in that case make those commitments** binding on the undertaking in a decision with commitments according to Article 9(3).

Amendment 267

Carles Puigdemont i Casamajó

Proposal for a regulation Article 6 – paragraph 5

Text proposed by the Commission

(5) If an undertaking offers commitments which fully and effectively remedy the distortion on the internal market, the Commission **may** accept them and make them binding on the undertaking in a decision with commitments according to Article 9(3).

Amendment

(5) If an undertaking offers commitments which fully and effectively remedy the distortion on the internal market, the Commission **shall** accept them and make them binding on the undertaking in a decision with commitments according to Article 9(3).

Amendment 268

Geert Bourgeois

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

(5) If an undertaking offers commitments which fully and effectively remedy the distortion on the internal market, the Commission *may* accept them and make them binding on the undertaking in a decision with commitments according to Article 9(3).

Amendment

(5) If an undertaking offers commitments which fully and effectively remedy the distortion on the internal market, the Commission *shall* accept them and make them binding on the undertaking in a decision with commitments according to Article 9(3).

Or. en

Amendment 269

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

(5) If an undertaking offers commitments which fully and effectively remedy the distortion on the internal market, the Commission *may* accept them and make them binding on the undertaking in a decision with commitments according to Article 9(3).

Amendment

(5) If an undertaking offers commitments which fully and effectively remedy the distortion on the internal market, the Commission *shall* accept them and make them binding on the undertaking in a decision with commitments according to Article 9(3).

Or. en

Amendment 270

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

Proposal for a regulation

Article 6 – paragraph 6

Text proposed by the Commission

(6) Where the undertaking concerned proposes to repay the foreign subsidy including an appropriate interest rate, the Commission *shall* accept such repayment as commitment *if* it can ascertain that the

Amendment

(6) Where the undertaking concerned proposes to repay the foreign subsidy including an appropriate interest rate, the Commission, *in consultation with the Member State(s) concerned could* accept

repayment is transparent and *effective*, while taking into account the risk of circumvention.

such repayment as commitment *only where* it can ascertain that the repayment is transparent and *effectively contributes towards remedying the distortive effect*, while taking into account the risk of circumvention.

Or. en

Amendment 271

Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation

Article 6 – paragraph 6

Text proposed by the Commission

(6) Where the undertaking concerned proposes to repay the foreign subsidy including an appropriate interest rate, the Commission *shall* accept such repayment as commitment if it can ascertain that the repayment is transparent and effective, while taking into account the risk of circumvention.

Amendment

(6) Where the undertaking concerned proposes to repay the foreign subsidy including an appropriate interest rate, the Commission *may* accept such repayment as commitment if it can ascertain that the repayment is transparent and effective, while taking into account the risk of circumvention. *However, the Commission may impose other redressive measures than the repayment in presence of major subsidies, strategic sectors and/or State owned or controlled companies.*

Or. en

Amendment 272

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

Proposal for a regulation

Article 6 – paragraph 6

Text proposed by the Commission

(6) Where the undertaking concerned proposes to repay the foreign subsidy including an appropriate interest rate, the Commission *shall* accept such repayment as commitment if it can ascertain that the

Amendment

(6) Where the undertaking concerned proposes to repay the foreign subsidy including an appropriate interest rate, the Commission *could* accept such repayment as commitment if it can ascertain that the

repayment is transparent and **effective**, while taking into account the risk of circumvention.

repayment is transparent and **effectively remedies the distortion**, while taking into account the risk of circumvention.

Or. en

Amendment 273
Geert Bourgeois

Proposal for a regulation
Article 6 – paragraph 6

Text proposed by the Commission

(6) Where the undertaking concerned proposes to repay the foreign subsidy including an appropriate interest rate, the Commission **shall** accept such repayment as commitment if it can ascertain that the repayment is transparent and effective, while taking into account the risk of circumvention.

Amendment

(6) Where the undertaking concerned proposes to repay the foreign subsidy including an appropriate interest rate, the Commission **may** accept such repayment as commitment if it can ascertain that the repayment is transparent and effective, while taking into account the risk of circumvention.

Or. en

Amendment 274
José Manuel García-Margallo y Marfil

Proposal for a regulation
Article 6 – paragraph 6

Text proposed by the Commission

(6) Where the undertaking concerned proposes to repay the foreign subsidy including an appropriate interest rate, the Commission shall accept such repayment as commitment if it can ascertain that the repayment is transparent and effective, while taking into account the risk of circumvention.

Amendment

(6) Where the undertaking concerned proposes to repay the foreign subsidy including an appropriate interest rate, the Commission shall accept such repayment as commitment if it can ascertain that the repayment is transparent and effective, while taking into account the risk of circumvention, **provided that the Commission considers that the distortion caused in the internal market will be fully corrected by the repayment of the subsidy.**

Or. es

Amendment 275

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

Proposal for a regulation

Article 6 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

(6 a) When choosing whether to accept commitments offered by the undertaking or which is the most appropriate and effective redressive measure to adopt, the Commission shall thoroughly consult affected Union industries, taking into account their sectoral specificities.

Or. en

Amendment 276

Emmanuel Maurel

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

The Commission may on its own initiative examine information from any source regarding alleged distortive foreign subsidies.

1. The Commission may on its own initiative examine information from any source regarding alleged distortive foreign subsidies.

2. The Commission shall hand the ex officio procedure over to the competent authorities of the Member States if the company receiving the subsidy or other benefit with an equivalent effect has a turnover of under EUR 250 000 000.

3. The provisions of Articles 8, 9, 11 and 12 of this Regulation shall be devolved to the competent authorities of the Member States if the turnover of the companies receiving the subsidy or other benefit with an equivalent effect is under EUR 250 000 000.

Or. fr

Amendment 277
Guy Verhofstadt, Dacian Cioloș

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

The Commission may on its own initiative examine information from any source regarding alleged distortive foreign subsidies.

Amendment

The Commission may on its own initiative examine information from any source, ***including Member States and undertakings or their respective trade associations***, regarding alleged distortive foreign subsidies. ***If an EU wide trade association, representing 15 % or more of the sector concerned, is asking the Commission to launch an investigation, the Commission shall do so.***

Or. en

Amendment 278
Bernd Lange

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

The Commission may on its own initiative examine information from any source regarding alleged distortive foreign subsidies.

Amendment

The Commission may on its own initiative examine information from any source, ***including Member States and undertakings or their professional associations or trade unions***, regarding alleged distortive foreign subsidies. ***Reports may also be submitted jointly by the Union industry, or by any natural or legal person or any association not having legal personality acting on behalf thereof, and trade unions, or be supported by trade unions.***

The Commission shall establish safe reporting channels for third parties to report a suspicion of foreign subsidies with distortive effects.

The Commission shall provide information to the Member States once an interested party or a Member State has submitted a request justifying the initiation of an investigation and the Commission has completed its analysis thereof, or where the Commission has itself determined that there is a need to initiate an investigation.

Or. en

Amendment 279
Geert Bourgeois

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

The Commission may on its own initiative examine information from any source regarding alleged distortive foreign subsidies.

Amendment

The Commission may on its own initiative **or upon request** examine information from any source, **including a Member State concerned and undertakings or their respective trade associations**, regarding alleged distortive foreign subsidies. **The Commission shall provide information once a Member State concerned or undertakings or their respective trade associations have submitted a request justifying the initiation of an investigation and the Commission has completed its analysis thereof, or where the Commission has itself determined that there is a need to initiate an investigation.**

Or. en

Amendment 280
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

The Commission may on its own initiative examine information from any source regarding alleged distortive foreign subsidies.

The Commission may on its own initiative ***or upon request from a Member State or from the Union industry*** examine information from any source regarding alleged distortive foreign subsidies.

Or. en

Amendment 281
Gilles Lebreton

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

The Commission may on its own initiative examine information from any source regarding alleged distortive foreign subsidies.

Amendment

The Commission may on its own initiative ***or at the request of the competent national authorities*** examine information from any source regarding alleged distortive foreign subsidies.

Or. fr

Amendment 282
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

The Commission ***may*** on its own initiative examine information from any source regarding alleged distortive foreign subsidies.

Amendment

The Commission ***shall*** on its own initiative examine information from any source, ***including Member States and undertakings or their professional associations***, regarding alleged distortive foreign subsidies. ***The Commission shall provide information to the Member States once an interested party or a Member State has submitted a request justifying the initiation of an investigation and the Commission has completed its analysis thereof, or where the Commission has itself determined that there is a need to initiate an investigation.***

Amendment 283

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

The Commission may on its own initiative examine information from any source regarding alleged distortive foreign subsidies.

Amendment

The Commission may on its own initiative examine **substantiated** information from any source regarding alleged distortive foreign subsidies. ***The Commission shall examine substantiated information submitted by Member States, Member States' trade associations and EU-wide social partners.***

Amendment 284

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

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

The Commission may on its own initiative examine information from any source regarding alleged distortive foreign subsidies.

Amendment

The Commission may on its own initiative examine information from any source regarding alleged distortive foreign subsidies, ***including from Member States and interested parties such as undertakings and trade associations.***

Amendment 285

Sven Simon, Christian Doleschal

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

The Commission may on its own initiative examine information from any source regarding alleged distortive foreign subsidies.

Amendment

The Commission may on its own initiative examine information from any source, ***including Member States and trade associations***, regarding alleged distortive foreign subsidies.

Or. en

Amendment 286

Carles Puigdemont i Casamajó

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Additionally, the Commission should act upon information received from any relevant source, including Member States, regions, undertakings, whistle-blowers within foreign undertakings, and civil society organisations.

Or. en

Amendment 287

Reinhard Bütikofer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

(1) The Commission shall seek all the information it considers necessary to assess, on a preliminary basis, whether the financial contribution under examination constitutes a foreign subsidy and whether it distorts the internal market. To that end, the Commission may in particular:

(1) The Commission shall seek all the information it considers necessary to assess, on a preliminary basis, whether the financial contribution ***or the economically equivalent support measure*** under examination constitutes a foreign subsidy and whether it distorts the internal market. To that end, the Commission may in

particular:

Or. en

Amendment 288
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

(1) The Commission shall seek all the information it considers necessary to assess, on a preliminary basis, whether the financial contribution under examination constitutes a foreign subsidy and whether it distorts the internal market. To that end, the Commission *may* in particular:

Amendment

(1) The Commission shall seek all the information it considers necessary to assess, on a preliminary basis, whether the financial contribution under examination constitutes a foreign subsidy and whether it distorts the internal market. To that end, the Commission *shall* in particular:

Or. en

Amendment 289
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krahl

Proposal for a regulation
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

(1) The Commission shall seek all the information it considers necessary to assess, on a preliminary basis, whether the financial contribution under examination constitutes a foreign subsidy and whether it distorts the internal market. To that end, the Commission may in particular:

Amendment

(1) The Commission shall seek all the information it considers necessary to assess, on a preliminary basis, whether the financial contribution *or advantage* under examination constitutes a foreign subsidy and whether it distorts the internal market. To that end, the Commission may in particular:

Or. en

Amendment 290
Gilles Lebreton

Proposal for a regulation
Article 8 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) where applicable, use information provided by the national authorities in support of their request;

Or. fr

Amendment 291
Enikő Győri, Ernő Schaller-Baross

Proposal for a regulation
Article 8 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) inform the undertaking concerned;
and

(b) inform the undertaking concerned
and the competent authorities of the Member State in which it has its registered office; and

Or. en

Amendment 292
Gilles Lebreton

Proposal for a regulation
Article 8 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) inform the undertaking concerned;
and

(b) inform the undertaking concerned
and the competent authorities of the Member State in which it is registered;
and

Or. fr

Amendment 293
Inma Rodríguez-Piñero, Kathleen Van Brempt, Margarida Marques, Paolo De Castro

Proposal for a regulation
Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) inform the undertaking concerned;
and

Amendment

(b) inform the undertaking concerned,
***Member States and the European
Parliament***; and

Or. en

Amendment 294
Geert Bourgeois

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

Text proposed by the Commission

Amendment

***(c a) hear the interested parties which
have made a written request within the
period prescribed in the notice published
in the Official Journal of the European
Union 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.***

Or. en

Amendment 295
Marco Campomenosi, Danilo Oscar Lancini, Markus Buchheit, Maximilian Krah

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

Text proposed by the Commission

Amendment

***(c a) Where appropriate, set interim
measures in accordance with article 10***

Or. en

