



TEXTS ADOPTED

P9_TA(2020)0158

Competition policy - annual report 2019

European Parliament resolution of 18 June 2020 on competition policy – annual report 2019 (2019/2131(INI))

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Article 101 to Article 109 thereof,
- having regard to the relevant Commission rules, guidelines, resolutions, public consultations, communications and papers on the subject of competition,
- having regard to the Commission report of 15 July 2019 on Competition Policy 2018 (COM(2019)0339) and to the Commission staff working document published as a supporting document on the same date,
- having regard to its resolution of 31 January 2019 on the Annual Report on EU Competition Policy¹,
- having regard to the mission letter of 10 September 2019 from President-elect Ursula von der Leyen to Margrethe Vestager,
- having regard to the written and oral replies given by Commissioner-designate Margrethe Vestager at the hearing by the European Parliament on 8 October 2019,
- having regard to the Commission Communication - Commission Notice on the recovery of unlawful and incompatible State aid²,
- having regard to Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market³,
- having regard to Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediations services⁴;

¹ Texts adopted, P8_TA(2019)0062.

² OJ C 247, 23.7.2019, p. 1.

³ OJ L 11, 14.1.2019, p. 3.

⁴ OJ L 186, 11.7.2019, p. 57.

- having regard to the opinion of the European Economic and Social Committee of 11 December 2019 on the Commission report of 15 July 2019 on Competition Policy 2018,
- having regard to the opinion of the Committee of the Regions of 5 December 2019 on the Commission report of 15 July 2019 on Competition Policy 2018,
- having regard to the report of 4 April 2019 entitled ‘Competition policy for the digital era’ by high-level experts from the Commission,
- having regard to the Preliminary Opinion of 26 March 2014 from the European Data Protection Supervisor on ‘Privacy and competitiveness in the age of big data: The interplay between data protection, competition law and consumer protection in the Digital Economy’ and the Opinion 8/2016 of 23 September 2016 from the European Data Protection Opinion on ‘Coherent enforcement of fundamental rights in the age of big data’,
- having regard to the Statement of 29 August 2018 from the European Data Protection Board on the data protection impacts of economic concentration,
- having regard to the letter of 4 February 2020 sent to Commissioner Margrethe Vestager by the economic and finance ministers of France, Germany, Italy and Poland, as well as the joint contribution of Austria, Czechia, Estonia, Finland, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and Sweden drafted in preparation for the upcoming March 2020 European Council,
- having regard to the proposal of 4 July 2019 by France, Germany and Poland entitled ‘For a modernised European Competition Policy’,
- having regard to the 2019 report by the European Consumers’ Organisation (BEUC) on ‘The Role of Competition Policy in Protecting Consumers’ Wellbeing in the Digital Era’,
- having regard to the Commission's decision of 7 January 2019 to prolong seven sets of EU State aid rules (State aid modernisation initiative for 2014-2020) until the end of 2022 and to launch evaluations in the meantime,
- having regard to the Council conclusions of 22 March and 27 May 2019,
- having regard to the statement of 18 December 2018 issued by 18 Member States at the 6th Friends of Industry ministerial meeting,
- having regard to the report from report of the Strategic Forum for Important Projects of Common European Interest entitled ‘Strengthening strategic value chains for a future-ready EU industry’,
- having regard to the ongoing revision of the guidelines on horizontal cooperation,
- having regard to the public consultation on horizontal block exemption regulations,
- having regard to the opinion of the European Economic and Social Committee of 19 June 2019 entitled ‘Towards an appropriate European legal framework for social economy enterprises’,

- having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinions of the Committee on International Trade and the Committee on Agriculture and Rural Development,
 - having regard to the letter from the Committee on the Internal Market and Consumer Protection,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0022/2020),
- A. whereas competition and effective enforcement of competition policy must benefit all EU citizens, especially those in a weak consumer position, while promoting innovation and fair competition among businesses operating in the single market, in particular by ensuring that small and medium-sized enterprises (SMEs) have the opportunity to compete on a fair basis;
 - B. whereas competition policy must be adapted to tackle digital, ecological, geopolitical, industrial and social challenges, and must be in line with the priorities outlined in the European Green Deal and the objectives of the Paris Agreement, in order to ensure a level playing field in all sectors as a cornerstone of the EU social market economy, while taking into account social economy enterprises;
 - C. whereas global cooperation on competition enforcement helps to avoid inconsistencies in remedies and in outcomes of enforcement actions and helps businesses to reduce their compliance costs;
 - D. whereas in fast-moving digital markets, competition policy could in some cases be excessively slow and therefore be at risk of being ineffective when it comes to remedying systemic market failures and reinstating competition; whereas complementary ex-ante regulation and monitoring could prove beneficial to ensure more effective oversight;
 - E. whereas European competition authorities should be equally attentive in order to avoid under-enforcement in digital markets, as the latter are wary of over-enforcement;
 - F. whereas the primary objective of EU competition policy is to prevent the distortion of competition in order to preserve the integrity of the internal market and to protect consumers;
 - G. whereas given that recent data scandals, investigations and evidence have shown how personal data is being collected, used and sold to third parties by platforms and how dominant technology players and platforms have been tracking consumers online systematically;

The role of competition policy in globalised markets

1. Points out that, in a globalised world, international cooperation is crucial to ensure effective competition enforcement; calls on the Commission to further develop the influence of EU competition policy in the world, in particular by continuing pertinent dialogue and stepping up cooperation with the USA, China, Japan and other third countries, where possible, via second-generation cooperation agreements that allow for a more effective exchange of information between competition authorities; supports the

active participation of the Commission and the national competition authorities in the International Competition Network; encourages the Commission to seek at all times the inclusion of competition rules (covering also State aid) in EU free trade agreements (FTAs) and in the World Trade Organisation (WTO), in order to ensure mutual respect for fair competition; notes with regret the negative effect on the Commission of the paralysis within the WTO's Dispute Settlement Body;

2. Calls on the Commission to develop tools to facilitate better monitoring of foreign direct investment (FDI) in all Member States, to ensure a rapid implementation of the screening mechanism for FDI and to propose a tool to strengthen the current mechanism, while ensuring that the European Union remains open and attractive for FDI; draws the Commission's attention to the fact that companies in third countries benefit from favourable treatment in their home market, which may distort competition when investing in the single market;
3. Calls on the Commission to ensure reciprocity with third countries in public procurement, State aid and in investment policy including taking into account social and environmental dumping; recalls the need to open up public procurement markets in third countries to which access does not yet exist; urges the Commission to work towards the accession of key third countries, such as China, to the WTO Agreement on Government Procurement with an acceptable initial offer; stresses that any instrument aimed at improving international market opening, such as the EU's International Procurement Instrument that are to be finalised by 2021 must avoid additional bureaucracy and new market distortions that have adverse effects on EU companies;
4. Calls on the Commission to guarantee fair competition between the European Union and the United Kingdom following its departure from the EU in order to ensure a level playing field and avoid dumping;
5. Fully supports the implementation of Important Projects of Common European Interest (IPCEI) such as the European Battery Alliance; calls on the Commission to further promote major IPCEIs in disruptive technologies, to simplify the relevant provisions and to streamline its requirements so that smaller industrial research projects are also approved;
6. Recalls the need for the Commission to apply State aid control equally to EU and non-EU operators to avoid asymmetries with foreign competitors and pay increased attention to foreign-based state-owned companies that are subsidised by their governments in ways that the EU single market rules prohibit for EU entities; invites the Commission to look at the recent proposal of the Dutch Government and investigate the option to add a pillar to EU competition law that gives the Commission appropriate investigative tools in cases where a company is deemed to have engaged in distortionary behaviour due to government subsidies or to have made excessive profits based on a dominant market position in its home country (e.g. by introducing state-aid checks on companies from third countries in EU public procurement rules);
7. Reiterates its request for the Commission to examine whether possible distortions of competition arise from the corporate support purchase programme, especially between SMEs and multinational corporations;
8. Calls on the Commission to adopt a more favourable approach for strong EU industrial policy to ensure and maintain high competitiveness in global markets; stresses that the

Commission and the Member States should promote and support EU projects of strategic interest and remove barriers and obstacles to enable the emergence of innovative EU leaders in specific priority sectors for the EU, while respecting the independent application of competition rules that safeguard a level playing field; clarifies that this approach should not be to the detriment of SMEs and consumers interests, should focus on the transition towards a more sustainable economy and a competitive EU data industry and digital infrastructure, such as the development of 5G;

9. Calls on the Commission to seize the opportunity of the revision of the guidelines on horizontal cooperation agreements to create a more flexible framework and increase legal certainty for companies; calls on the Commission to communicate more timely and efficiently to the holders of cooperation projects of a certain magnitude, and allow for the possibility of asking new questions as part of a voluntary fast-track notification procedure;
10. Welcomes the Commission's commitment set out in its notice of 9 December 1997¹ to review its definition of the relevant market so as to take into account a longer-term vision encompassing the global dimension, digitalisation and potential future competition; invites the Commission to continue to rely on sound economic and legal principles in its investigations, by following proportionality principles and due process, when looking into new types of markets;
11. Emphasises that an international level playing field in a rules-based multilateral trading system safeguarding states' policy-making scope is key for Europe, including European companies and in particular SMEs, as well as for workers and consumers; considers that it contributes to boosting sustainable economic development, ensuring a stable and predictable environment, pursuing enhanced competitiveness and reciprocity, securing and creating decent jobs in the EU and third countries, and ensuring high labour and environmental standards, since an increasing number of jobs are dependent on global value chains; stresses in this regard the importance of increased transparency, sustainability and corporate accountability in global value chains, and calls on the EU to consider, among other measures, establishing a legal framework for mandatory due diligence in global value chains as a necessary step for achieving this;
12. Invites the Commission, in the light of the growing debate, to reconcile the EU competition rules, industrial policy and international trade, which must go hand in hand with sustainability and respect for the environment; underlines the specific need for research funding as the basis of innovation and development for European businesses and as a key element for boosting trade and competitiveness;
13. Underlines that SMEs play a vital role in international trade, accounting for an estimated 30 % of the EU's goods exports to the rest of the world²; considers that the internal market continues to be, by far, the most important market for SMEs; recalls that, in order to help SMEs cope with the greater challenges of entering new markets and enable them to compete on their own merits, EU trade and competition policy should contribute to economic diversity and an SME-friendly trade environment, and that this should include considering modernising the EU's definition of SMEs, in

¹ OJ C 372, 9.12.1997, p. 5.

² https://ec.europa.eu/eurostat/statistics-explained/index.php/International_trade_in_goods_by_enterprise_size

particular by adding qualitative criteria;

14. Fully supports the Commission's efforts in the context of the ongoing reform of the WTO, including its Appellate Body, to update and make effectively enforceable the multilateral rules on subsidies or sectoral initiatives in order to adequately address the issue of subsidies at international level, with particular reference to industrial subsidies, state-owned enterprises and forced technology transfers, and to act to counter non-market-oriented policies and practices of third countries; calls on the Commission to fully involve Parliament and the Member States in this area;
15. Stresses that effective enforcement of the sustainable development provisions of trade agreements is important for ensuring fair competition and environmental and social standards; welcomes, in this perspective, the introduction of environmental and social criteria in the reform of anti-subsidy and anti-dumping measures; considers that the possible inclusion of precise, justiciable International Law Organisation (ILO) core standards under WTO law could also be explored in the context of the ongoing WTO reform and in order to contribute to a global level playing field;
16. Welcomes, in this context, the ongoing plurilateral WTO negotiations on e-commerce, and calls for a comprehensive and ambitious set of rules that will address digital trade barriers, ensure that companies can compete worldwide in a level playing field, and enhance consumer trust in the online environment without detriment to European data protection standards; emphasises that the EU should take a leading role in these international negotiations, with close consultations that involve the European Parliament, Member States and stakeholders, including civil society;
17. Considers that access to the EU internal market is to be contingent on compliance with sanitary, phytosanitary and environmental standards; calls on the Commission to ensure the EU trade and competition policy doesn't undermine the respect of EU social and ecological standards or undermine the development of more ambition standards;
18. Calls on the Commission to properly analyse and study the public procurement markets of the third countries with which it has or is negotiating a free trade agreement, in order to negotiate the best access conditions for European companies;
19. Calls on the Commission to coordinate the necessary action by the Directorates-General involved – DG Trade and DG Competition – to ensure that the competition rules and their implementation guarantee fair competition for European companies in third-country markets, and vice versa;
20. Calls on the Commission to pay particular attention to the role of international standard-setting for fair competition; insists that the EU should strengthen its multilateral approach to standard-setting, in particular in the context of the International Organisation for Standardisation (ISO) and the International Electrotechnical Commission (IEC); warns against the nationalisation of standard-setting approaches, particularly in the context of China's Belt and Road Initiative and other connectivity-enhancing strategies; calls on the Commission to establish a high-level coordinator for standardisation policy in this context;
21. Highlights the importance of incorporating a gender-based perspective both at multilateral and bilateral level, including gender chapters in trade agreements and designing gender-sensitive measures (e.g. ensuring that both *ex ante* and *ex post* impact

assessments include the gender impact of EU trade policy and agreements), in order to boost competition and promote inclusive economic growth;

Adapting competition to the digital age

22. Calls on the Commission to review merger and acquisition rules and strengthen antitrust action and to take into account the effects of market and network power associated with both personal and financial data; calls, in particular, on the Commission to adjudge the control of such data as a proxy for the existence of market power under its guidance on Article 102 of the TFEU; invites the Commission to learn from the merger between Facebook and WhatsApp and adapt its criteria accordingly; proposes, therefore, that every merger in the market for such data should be subject to prior informal declaration;
23. Calls on the Commission to review the notion of ‘abuse of a dominant position’ and the ‘essential facilities’ doctrine to ensure that they are fit for purpose in the digital age; suggests a broader analysis of market power in connection to conglomerate and gatekeeper effects to fight the abuse of dominance of large operators and lack of interoperability; calls on the Commission to carry out a stakeholder consultation to reflect the evolution of the digital economy, including its multi-sided nature;
24. Calls on the Commission to consider revising the thresholds for a merger review in order to include factors such as the number of consumers affected and the value of the related transactions as part of its ongoing evaluation of the Merger Regulation¹;
25. Calls on the Commission to assess higher levels of concentration due to horizontal ownership by large asset management companies in its ongoing evaluation of the Merger Regulation and consider providing guidelines on the use of Article 101 and Article 102 of the TFEU in this respect;
26. Notes that in several specific markets for financial data (e.g. equity trading, ratings and benchmarks), oligopolistic concentration may lead to cases of abuse of dominant positions by suppliers with investors and consumers of financial data; calls on the Commission to take resolute action against such abuses of dominant positions, which are harmful to the fluidity of financial markets and run counter to the interests of sustainable development;
27. Stresses that, while a number of start-ups are created in the hope of an acquisition by a larger firm, the buying-out of start-ups by dominant players, including big technology companies and platforms, might stifle innovation and threaten sovereignty; calls on the Commission and the national competition authorities to look into the practices of such acquisitions and their effects on competition, especially with regard to ‘killer acquisitions’, as defined in its high-level expert report of 4 April 2019 entitled ‘Competition policy for the digital era’; calls on the Commission to conduct a study on the reversal of burden of proof as per the Act on Digitalisation of German Competition Law (*‘GWB-Digitalisierungsgesetz’*) published in October 2019;
28. Asks the Commission to assess how more demanding regimes of data access, including data interoperability, can be imposed in particular when data access opens up secondary markets for complementary services or when data is confined to dominant firms;

¹ OJ L 24, 29.1.2004, p. 1.

29. Stresses that some entities, which benefit from dual status as both platforms and suppliers, abuse their position to impose unfair terms and conditions on competitors, independently of whether they are active online or offline; calls on the Commission to look into the issue of self-preferencing and enforce the necessary laws and use the instruments required on those entities that practice self-preferencing; calls on the Commission to assess the possibility of imposing *ex ante* regulatory obligations where competition law is not enough to ensure contestability in these markets, therefore avoiding competitors' foreclosure and ensuring that emerging bottlenecks are not perpetuated by the monopolisation of future innovation;
30. Notes that the Commission is reflecting on the need for targeted *ex ante* regulation on specific systemic issues that may arise in digital markets; calls, therefore, on the Commission to introduce a centralised *ex ante* market monitoring system (while taking into account the results of an impact assessment), to provide EU and national competition and regulatory authorities with the necessary means to gather data anonymously so as to be able to better detect market failures in due time, and – where appropriate – to introduce targeted regulation when practices become systemic;
31. Invites, therefore, the Commission to identify the key digital players and establish a set of indicators to define their systemic nature; stresses that the following indicators could be considered: abuse of practices of certain extensive networks, control of a significant volume of non-replicable data, an unavoidable situation on a multifaceted market or the player's ability to define market rules themselves;
32. Draws the Commission's attention to acquisitions carried out by foreign monopolies of digital data operators, including health, financial and educational data, and to the privacy risks involved, which extend far beyond the already damaging effects of transactions of this kind on competition; calls on the Commission to take those aspects into account regarding the upcoming European strategy for data and to investigate the cross-usage of data, where data originating from one service is used to expand the platforms' offering to new services;
33. Welcomes the Commission's European data strategy presented on 19 February 2020, the aim of which is to enhance the use of data to benefit consumers and businesses; supports the Commission's intention to legislate on data use and access; underlines the importance of protecting consumers' personal data and how it is shared in order to increase consumer safety and trust; stresses that consumers must be reassured that their data remains secure, and that cooperation across the board on data security therefore needs to be prioritised; emphasises that a clause on not selling personal data to third parties without the consent of the data subject concerned should likewise form a key element of the strategy;
34. Stresses that, while intermediation platforms play a major role in providing access to consumers for online services, some abuse their privileged position by acting as gatekeepers, including in closed ecosystems and online marketplaces; calls on the Commission to give explicit attention in its competition policy to these gatekeepers and to conclude its ongoing investigations as soon as possible;
35. Urges the Commission to increase freedom of choice for consumers, to strengthen the role of the European Consumers Centres Network (ECC-Net) and to conduct a study on whether an EU consumers authority is needed; notes, in that context, that competition policy is not only about ensuring fair prices for consumers but also providing quality,

variety and innovation;

36. Stresses that it is in the interest of the European Union to have pan-European payment systems; calls on the Commission to support initiatives that meet this objective and to recognise that their success is contingent both on the innovative nature of the system for consumers and businesses and on the viability of its economic model;

Effectiveness of competition policy instruments

37. Stresses that fines can have an impact on the reputation of the companies penalised; points out, nevertheless, that even when heavy fines are imposed, they often are not enough of a deterrent and may ultimately be passed on to consumers; calls on the Commission to also make use of alternative behavioural and, if need be, structural remedies in order to fully ensure the effectiveness of EU competition policy; stresses that the cease-and-desist order should be much more prescriptive in upcoming remedies;
38. Recalls that abuse of market power can take place even when products or services are supplied for free; believes that the passing on of private data to third parties for marketing or commercial purposes is frequently done without the consumer's proper consent, as alternatives to sharing data are often not provided; considers that in the digital economy, the concentration of data in a small number of companies leads to market failures, excessive rent extraction and a blocking of new entrants;
39. Recalls that the online search market is of particular importance when ensuring competitive conditions in the digital single market; notes with regret that one search engine that has over 92 % of market share in the online search market in most of the Member States has become a gatekeeper of the Internet; calls for input from all stakeholders, covering the past nine years of antitrust history, to be used to urgently assess if remedies proposed truly benefit consumers, internet users and online businesses in the long term; calls on the Commission to consider a proposal aimed at unbundling search engines –as outlined in Parliament's resolution of 27 November 2014 on supporting consumer rights in the digital single market¹ – from their commercial services in order to end the status quo, which could be a potential long-term means of achieving fair and effective competition in the European digital market;
40. Stresses the slowness of the antitrust investigations, such as the Google Shopping case, compared to the fast-moving digital markets; stresses the damaging effect resulting from this situation and the financial and structural risks to which some actors are exposed if they initiate lengthy and costly proceedings; stresses that due process must be respected, but calls on the Commission to make use of fast-track antitrust procedures and to find new incentives, such as the leniency programme, to make companies more cooperative when it comes to tracking down cartels across the EU;
41. Stresses the need to regularly look at the possibility of using interim measures to stop any practice that would seriously harm competition; calls on the Commission to relax the criteria for these measures, while respecting the rule of law, in order to avoid any irreversible damage; calls on the Commission to revise the Notice on Remedies² by taking into account the developments and evolution of the digital sector over the last

¹ OJ C 289, 9.8.2016, p. 65.

² OJ C 267, 22.10.2008, p. 1.

years;

42. Welcomes the Commission's continued efforts to address abusive behaviour by large platforms; calls on the Commission to revisit cases where the remedies offered have clearly been ineffective at restoring competition to the market, as in the case of Google Shopping; stresses that, in the absence of targeted and effective behavioural remedies that have been tested in advance with the affected undertaking, a complete structural separation of general and specialised search services, including local search, may be necessary; underlines that compared with structural remedies, behavioural remedies could offer a time-efficient solution, mitigating the possibility that competitors are forced out of the market during prolonged discussions on divestiture;
43. Points out the need for the Commission to allocate adequate resources to be able to effectively enforce EU competition rules; notes the need to ensure specific expertise, especially on growing issues such as dominant positions of online platforms or artificial intelligence;
44. Calls on the Commission to issue guidance on the interpretation of 'significant impediment to effective competition', as set out in the Merger Regulation, so that in cases of mergers, the Commission does not only look at prices, output and innovation but also pays attention to the social and environmental costs of such transactions in light of TFEU principles, and to pay particular attention to environment protection;
45. Calls on the Commission to inquire about this new checking account service that will be provided to consumers by some of the world's biggest tech companies in forthcoming years; urges the Commission to give particular focus to their entry into this new digital financial market and the huge amount of data they will gather from their consumers and the potential use of it;

Competition rules supporting the European Green Deal

46. Welcomes the Commission communication on the European Green Deal and the objectives set out therein to support a cost-effective transition to climate neutrality by 2050 and to phase out fossil fuels; supports the commitment to revise EU State aid guidelines by 2021 in order to reflect these objectives;
47. Supports the Commission's review of the State aid guidelines in all relevant sectors, such as in transport, including air and maritime, in line with the objectives of the European Green Deal by applying the just transition principle and acknowledging the complementary role of the Member States' governments to support investments in decarbonisation and clean energy while ensuring a level playing field and that there is no market distortion; calls on the Commission to examine, in the context of the review of the Energy Taxation Directive¹, whether the current tax exemptions provide for unfair cross-sector competition conditions; calls on the Commission to examine whether the tax exemption for kerosene results in a distortion of competition that benefits the aviation sector;
48. Calls on the Commission, as part of the upcoming revision of the Guidelines on State aid for environmental protection and energy, to provide for greater flexibility for aid granted to citizen-generated renewable energy, in line with the EU's climate

¹ OJ L 283, 31.10.2003, p. 51.

commitments;

49. Stresses the need for the Commission to prevent any potential negative side-effects where larger companies use public aid granted in view of 'greening' their business models for other objectives such as reinforcing its dominant position in a given sector;
50. Calls on the Commission to provide further guidance and an enabling framework for further investments in energy efficiency and building renovation, as well as on repowering, hybrid projects and electricity storage;
51. Underlines in this regard that in order for the European Green Deal to be successful, European producers of sustainable products and services need to see the advantages of it and not face unfair competition from companies in third countries;
52. Notes that the European Green Deal must ensure policy consistency between agriculture, climate action, environment and trade;

Sectoral policies

53. Calls on the Commission to make more systematic use of investigations in sectors that are essential to the everyday life of citizens, such as health, mobility, online advertising, energy, tourism, including monitoring price caps of online accommodation platforms, culture, financial and payment services, and the media, in the digital age, while maintaining the EU's high standards;
54. Calls on the Commission to take note of the presence of national monopolies and oligopolies as a potential signal of the existence of weaknesses in the single market or barriers to fair competition;
55. Requests that the Commission carry out a preliminary study on the concentration of media ownership in Europe, also in the context of multinational corporations buying out European media providers;
56. Reiterates that taxation is sometimes used to grant indirect State aid, creating an uneven playing field in the internal market; calls on the Commission to update its existing guidelines on the notion of State aid to ensure that the Member States do not grant State aid in the form of a tax advantage; deplores the abuse of tax rulings and welcomes the recent judgments of the General Court confirming that examination by the Commission of a tax ruling under a State aid point of view does not constitute tax harmonisation; observes that Commission rulings are often challenged in court and therefore need to be thoroughly prepared; insists that the Commission have access to the information exchanged between the Member States' tax authorities so as to better detect violations of competition rules; calls for the adoption of the proposal on the Common Consolidated Corporate Tax Base (CCCTB) and the public country-by-country reporting;
57. Calls on the Commission to look into the possibility to fine countries found in breach of State aid rules;
58. Calls on the Commission to examine swiftly the discrepancies between the rules on State aid in the area of liquidation aid and the resolution regime under the Bank Recovery and

Resolution Directive¹ ('BRR Directive'), and to revise its Banking Communication of 30 July 2013² accordingly, including in light of recent cases, taking into account the need to protect taxpayers;

59. Calls the Commission to have a close look at cases in the banking sector with potential competitive relevance in certain Member States where consumers currently face high interest rates³ and a lack of transparency when it comes to loans, potentially due to concentration of ownership in the banking sector, which could lead to deceptive selling practices of mortgages;
60. Calls on the Commission to re-evaluate on an annual basis whether the requirements for the application of Article 107(3)(b) of the TFEU in the financial sector continue to be fulfilled;
61. Calls, further, on the Commission to investigate thoroughly and to propose further measures to address the quasi monopoly of the 'Big Four' accountancy companies auditing the largest listed companies, such as the separation of audit from consulting services, and the setting up of mandatory 'joint audit' to enable firms outside the Big Four to develop the capacity needed to review the biggest companies;
62. Calls on the Commission to guarantee fair competition and greater transparency in offline platforms' commercial practices, including supermarket and hypermarkets, so as to ensure that EU producers receive fair conditions and prices for their products; calls on the Commission to continue its in-depth analysis on the extent and effect of buying alliances, related to both pricing and non-pricing strategies, on the economic functioning of the agricultural and food supply chain, taking particular account of the effects on small-scale suppliers and farmers; regrets the fact that selling at a loss is not on the list of practices that are prohibited at EU level; highlights that the Farm to Fork strategy and EU competition law must recognise the important contribution made by primary producers in supplying high-quality food and delivering public goods to society,
63. Calls for a clearer, more flexible and more predictable application of competition rules to producers and producer organisations (POs) so as to increase legal certainty; calls, therefore, on the Commission to assess the implementation and clarify the provisions of Single Common Organisation of the Markets (CMO) Regulation⁴, in particular with regard to the exceptions to competition rules granted to certain agreements and practices of farmers in association; encourages the establishment of more POs as a way for farmers to strengthen their position and effectively negotiate on price and tackle the imbalances in power within the food supply chain;
64. Calls on the Commission to exempt from State aid rules tax provisions specifically introduced by Member States to encourage farmers to set up voluntary precautionary savings with a view to coping better with the upsurge in climate-driven and health risks, as well as economic crises; welcomes the completion of the review of the De Minimis

¹ OJ L 173, 12.6.2014, p. 190.

² OJ C 216, 30.7.2013, p. 1.

³ https://data.worldbank.org/indicator/FR.INR.LNDP?locations=RO&most_recent_value_desc=false

⁴ OJ L 347, 20.12.2013, p. 671.

Regulation¹, which will help farmers to address climate challenges while preventing any market distortions; highlights the particular need for clear guidelines for the agricultural sector owing to the environmental and sustainability requirements; welcomes the ongoing fitness check of the 2012 State aid modernisation package and the ongoing revision of the Agricultural Block Exemption Regulation²;

65. Calls on the Commission to assess the implementation and clarify the scope of Article 209 of the Single CMO Regulation, specifically with regard to the exceptions to competition rules granted to certain agreements and practices of farmers in associations, in order to provide those concerned with greater clarity and legal certainty when this article is implemented, and to give the Commission greater flexibility in implementing this article;
66. Recognises the role of interbranch organisations in the chain, which serve as a platform for dialogue, research and development, best practices and market transparency;
67. Calls for the role of interbranch organisations to be strengthened in order to promote more balanced relationships in the food chain, and supports the extension of the value-sharing clause to cover all operators rather than just the first purchaser, in line with the draft report adopted in April 2019 by Parliament's Committee on Agriculture and Rural Development on the new common organisation of the markets in agricultural products as part of the next reform of the common agricultural policy (CAP);
68. Calls for an automatic express exemption from Article 101 of the TFEU to be provided under Article 210 of the Single CMO Regulation, subject to the principles of necessity and proportionality, allowing agricultural interbranch organisations to accomplish the tasks assigned to them by the Single CMO Regulation, with a view to furthering the aims of Article 39 of the TFEU;
69. Calls on the Commission to ensure that the provisions of Article 222 of the Single CMO Regulation are activated swiftly in order to address serious market distortions;
70. Welcomes the success of the supply management measures introduced for quality cheese and ham at the request of POs, interbranch organisations and groups of operators; calls for the provisions of the Single CMO Regulation authorising the introduction of supply control rules to be extended to cover all products benefiting from a protected designation of origin (PDO) or a protected geographical indication (PGI) in order to achieve a better balance between supply and demand;
71. Asks the Commission to engage in dialogue with all relevant stakeholders on the functioning of the agricultural and food supply chain, and to adapt EU competition policy in line with the most recent developments in the trading environment;
72. Welcomes the adoption of Directive (EU) 2019/633 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain³, which represents an important first step in ensuring fairness between operators and in addressing the imbalance of the bargaining power within the food supply chain; urges Member States to transpose the directive without delay and calls on the

¹ OJ L 352, 24.12.2013, p. 1.

² OJ C 213, 8.9.2009, p. 9.

³ OJ L 111, 25.4.2019, p. 59.

Commission to monitor the progress of transposition closely and to promote the sharing of best practices between Member States; encourages Member States to list further unfair practices as prohibited and set higher standards;

73. Recalls that significant horizontal and vertical restructuring has taken place, which has led to further consolidation in the already concentrated seed, agro-chemical, fertiliser, animal genetics and farm machinery sectors, as well as in processing and retailing; calls on the Commission, when assessing mergers in these sectors, to consider impacts beyond consumer prices; stresses that the interests of EU farmers, citizens and the environment must be protected, by comprehensively and holistically assessing the impact, at farm level, of mergers and acquisitions among agricultural input suppliers, including producers of plant protection products;
74. Considers it essential that the Commission continue its detailed monitoring of the EU market for pesticides, seeds and traits, and monitor the impact of digitalisation on the agricultural sector;
75. Urges the Commission to set up a permanent EU-level information platform on risk management tools to help farmers cope with the uncertainty of climate, market volatility and other risks where stakeholders can exchange best practices, as set out in its communication on the future of food and farming from November 2017;
76. Points out that large disparities in direct payments hamper sustainable farmers' initiatives for the climate and the environment and distort competition in the EU; recalls the commitment made by the European Council on 7-8 February 2013 to harmonise payments throughout the EU by 2020;
77. Draws attention to the growing number of farmers' protests and notes that the cumulative impact of free trade agreements (FTAs) on the EU's agri-food sector is one of their concerns; questions whether FTAs leave EU agri-food producers at a competitive disadvantage, given differences in social, health, labour, environmental and animal welfare standards in third countries; therefore calls on the Commission to present, as soon as possible, its latest report on the cumulative impact of ongoing and future trade deals, and calls for the application of the principles of reciprocity and compliance for agricultural products and for the protection of vulnerable sectors in future and ongoing trade negotiations, ensuring that all necessary inspections are carried out;
78. Welcomes the proposal for a regulation on the single market programme, and, more specifically, the food chain actions supported therein, such as veterinary and phytosanitary measures, to address animal and plant health crises; urges the Council and Parliament to swiftly conclude the negotiations and adopt the regulation;
79. Underlines the importance of timely conclusions to the Commission's two proposals for transition regulations, in order to avoid delays and complications that could lead to market instability;
80. Considers it essential to keep within DG AGRI all competencies relating to the application of Articles 209 and 210 of the Single CMO Regulation and to State aid for the development of agricultural and forestry sectors and of rural areas, thereby ensuring the expertise needed to address and coordinate matters in this area, which is necessary given the specific nature of these sectors and is fully consistent with the objectives and

support provided under the CAP;

81. Calls on the Commission to continue to pay particular attention to the provision of services of general economic interest (SGEI) when applying State aid rules, especially in the context of isolated, remote or peripheral regions and islands in the Union; notes certain difficulties in applying the rules of the Almunia package for certain SGEIs, such as the postal sector, whose public service missions may, in accordance with EU law, be defined and organised at national level;
82. Recalls the need for a roadmap for better-targeted State aid, especially for the delivery of services of general economic interest including energy, transport or telecommunications;
83. Reiterates its call for coal regions to be identified as assisted areas so that EU aid rules can be adapted to allow the adoption of measures dealing with the necessary structural changes, pending clear commitments from the companies operating in these regions to take concrete action towards carbon neutrality and EU climate objectives; recalls that those activities traditionally part of corporate social responsibility should not be subject to a privileged State-aid treatment;
84. Welcomes that the Commission has included in its targeted review of the General Block Exemption Regulation (GBER)¹ the extension of this scheme to European Territorial Cooperation projects (also called Interreg);
85. Is concerned about asymmetric treatment of EU-funded operations depending on whether they are supported on EU side by cohesion policy resources or other EU funds or programmes such as Horizon2020/Horizon Europe or EFSI2.0/ InvestEU as proposed by the Commission in its GBER review; believes that a level playing field should be maintained for projects that are similar in nature, but different in financing sources as this would privilege certain funding schemes while crowding out others;

A better focus on citizens through Parliament

86. Calls, without Treaty change, for regular use of the ordinary legislative procedure in competition policy, by analogy with the procedure for the Antitrust Damages Directive² and the ECN+ Directive;
87. Calls on the Commission to report regularly to Parliament on the implementation and monitoring of cooperation agreements with reference to competition, on the screening of foreign direct investments; calls on the Commission to maintain high transparency standards;
88. Stresses its desire to play a greater role in determining and developing the general framework for competition policy; notes that Parliament should be more involved in the activity of working parties and expert groups, such as the International Competition Network (ICN), as an observer to get a better knowledge of the matter and keep it updated on the developments in order to be more prepared for its role as co-legislator; calls on the Commission to particularly involve Parliament when devising soft-law instruments such as notices and guidelines;

¹ OJ L 187 26.6.2014, p. 1.

² OJ L 349, 5.12.2014, p. 1.

89. Calls on the Commission to organise multisectoral and interinstitutional forums involving industry, national regulators including data protection authorities, consumer groups and other relevant stakeholders to decompartmentalise competition policy;
90. Stresses that the current complaint form for State aid cases requests many specific details on when the State aid had been accorded, which ordinary citizens cannot possibly know; calls, therefore, on the Commission to simplify the complaint form in order to give ordinary citizens the possibility to send in complaints;
91. Notes with regret the lack of information provided during the Commission's investigation of submitted complaints; calls on the Commission to give the complainant a confirmation of receipt and a notification upon the launch of the investigation, including an expectation of the length of the investigation;
92. Recalls the importance of coordination with national competition authorities and calls on the Commission to present to Parliament an assessment of the implementation of the ECN+ Directive; recalls that in the annex of the ECN+ Directive the Commission identified 'interim measures' as 'a key tool for competition authorities to ensure that competition is not harmed while an investigation is on-going'; recalls the need to assess whether there are means to simplify the adoption of interim measures in the ECN within two years from the date of transposition of the Directive in order to enable competition authorities to deal more effectively with developments in fast-moving markets;
93. Points out that the political independence of competition authorities is of utmost importance to ensure the impartiality and credibility of competition policy; recognises that preventing distortion of competition requires public scrutiny of lobbying efforts in all EU institutions; reiterates, therefore, its calls for an enhanced EU Transparency Register; insists that there be a more regular exchange with the Commission, in line with the inter-institutional agreement with Parliament; calls on the Executive Vice-President for competition to stay in close contact with the ECON committee and with its Competition Working Group, which is an appropriate place for establishing a more regular dialogue;
94. Recalls the commitment made by the Executive Vice-President of the European Commission for Europe Fit for the Digital Age during her confirmation hearing on 8 October 2019 to keep her digital policy and competition portfolios strictly separate;

Competition policy responses to COVID-19

95. Welcomes the prompt reaction of the Commission to adopt a Temporary Framework for State Aid support and its two amendments and the conditions it provides to help companies affected by the crisis; supports the Commission and Member States in applying the full flexibility provided by the Temporary State aid Framework during the COVID-19 crisis;
96. Supports the application of the Temporary State Aid Framework for as long as necessary during the recovery period; calls on the Commission to evaluate in due time whether this Temporary Framework should be extended beyond the end of 2020 if necessary;
97. Welcomes the conditions set out by the second amendment to the Temporary Framework on the recapitalisation of aid to companies especially with regards to the

ban on dividend payments, share buybacks and distributions of bonuses, for banks and other companies as well as the safeguards against predatory actions on other EU firms against firms which have received State aid;

98. Welcomes the fact that State aid granted to banks within the Temporary State Aid Framework ensures the financing of the economy and helps guarantee financial stability while operating within the strong existing legislative framework provided by the BRR Directive and resolution rules;
99. Underlines the risk of market distortions and of generating an unlevel playing field due to increased divergences between the levels of State aid support granted by Member States; notes the Solvency Support Instrument which is part of the Next Generation EU Recovery Plan, to address the risks these divergences pose to the integrity of the single market;
100. Welcomes the extraordinary financial means and State aid provided to support businesses and workers when countering the pandemic's economic fallout; calls on the Commission to set common minimum standards in order to specify the requirement for companies receiving financial assistance to be in line with ESG criteria and taxation transparency, so as to avoid different national criteria giving rise to further discrepancies and to demonstrate how the public support received is used to align their operation with the EU's climate and environmental objectives and the Paris Agreement; recalls that aid should only be granted to cover the losses incurred due to COVID-19; underlines that State aid should only be granted to companies facing the immediate effects of COVID-19 and not those that were already financially unhealthy pre-crisis; urges that companies registered in tax havens should be banned from accessing State aid or financial support packages if they do not commit to changing their behaviour;
101. Welcomes the Commission's communication on the Temporary Framework for assessing antitrust issues related to business cooperation in response to the current COVID-19 outbreak; underlines that the Commission issued its first comfort letter since 2003; highlights that this crisis has stressed the need for quick and effective answers in a fast-paced environment and underlines the benefits of participative antitrust and of providing legal certainty to companies when entering into business cooperation in key strategic sectors;
102. With regard to the impact of the pandemic, highlights the need to reinforce the economic resilience of key European sectors, boosting our economic recovery through research and innovation; calls on the Commission to adopt a more dynamic approach when revising the 1997 Communication on market definition, making the innovation criteria as a core element of the relevant market analysis when it comes to European merger control; calls on the Commission to assess, as part of its fitness review, the possibility of adopting a more favourable approach towards cooperation and research and development agreements;
103. Underlines that the pandemic has made companies vulnerable to foreign bids; notes that the COVID-19 crisis revealed shortcomings in EU supply chains and a lack of EU strategic sovereignty in areas such as medical products or food and the need to safeguard critical EU companies and assets from hostile takeovers conducted by large dominant players;
104. Underlines that it is a matter of utmost priority to step up the EU's efforts to forcefully

counter unfair competition and hostile behaviour from foreign state owned entities (SOEs) or government linked companies (GLCs) towards vulnerable European companies, which are struggling to survive the economic downturn of the COVID-19 pandemic, as such behaviour aims to take control of key European technologies, infrastructure and expertise; calls on the Commission, therefore, to propose immediately a temporary ban on foreign takeovers of European companies by SOEs or GLCs from third countries;

105. Welcomes the initiatives by social media platforms to combat fake news and disseminate official World Health Organization information on COVID-19 via their platforms; warns, however, against these platforms, which already had very significant market power before the crisis; supports the Commission's call for a study on platforms with significant network effects that act as gatekeepers, to be carried out as part of the upcoming ex ante regulation framework proposal, providing it does not lead to further delays; calls on the Commission to ban platforms from displaying micro-targeted advertisements and to increase transparency for users; endorses the cooperation on the development of contact tracing apps of significant non-European players in the smartphone operating system market; calls on the Commission to ensure that data collection will not further entrench the market power of a few dominant players;
106. Underlines that the COVID-19 crisis poses an existential risk for an unprecedented number of businesses all around the EU and has caused a huge surge in unemployment rates; calls on the Commission to assess whether the failing firm defence concept currently applied is fit for purpose for the current crisis; strongly believes that competition policy and industrial policy can together help to build European sovereignty in a sustainable way; welcomes the Commission's Industrial Policy Strategy;
107. Acknowledges the efficient and effective work carried out by the Commission during the COVID-19 crisis; underlines that a significant amount of human resources had to be reallocated to monitoring State aid given the exceptional circumstances; calls for more information on the state of play of Directorate-General for Competition staff resources and their evolution during this mandate;
108. Urges the Commission to better inform Parliament about its ongoing work, in particular the revision of the definition of the relevant market and the revision of the State aid guidelines; calls on the Commission to provide Parliament with a detailed evaluation presenting the repartition of the global amount of State aid authorised within the Temporary State aid Framework by Member State, sector and type of aid authorised (grants, guarantees, etc.) as well as any additional conditions applied by the Member States; believes that a panoptic and detailed evaluation would provide the Members of the European Parliament with an overview of the economic measures taken at national level as well as with specific details on the type of aid, type of beneficiaries and method of approval, if any; underlines that the State aid scoreboard, which includes several tables and graphics on State aid and their impact on the internal market, should be updated in a timely manner;
109. Calls on the Commission to present to Parliament and the Council, after the crisis, a communication on the effects of the COVID-19 pandemic on market competition and competition law enforcement, the integrity of the single market and the future of competition policy;

110. Calls on the Commission to make it compulsory for banks receiving State aid to retain their full retail banking/consumer banking services and to ensure that banks are not allowed to use the COVID-19 crisis as a pretext for permanently reducing such services;

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111. Instructs its President to forward this resolution to the Council, the Commission, the national parliaments and national competition authorities.