



TEXTS ADOPTED

P9_TA(2024)0011

Competition policy - annual report 2023

European Parliament resolution of 16 January 2024 on competition policy - annual report 2023 (2023/2077(INI))

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union, in particular to Articles 101 to 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 4 April 2023 entitled ‘Report on Competition Policy 2022’ (COM(2023)0184) and to the accompanying Commission staff working document (SWD(2023)0076),
- having regard to its resolution of 13 June 2023 on competition policy – annual report 2022¹,
- having regard to the Commission communication of 11 December 2019 entitled ‘The European Green Deal’ (COM(2019)0640),
- having regard to the Commission’s revised guidelines on State aid to promote risk finance investments, published on 6 December 2021,
- having regard to the judgment of the Court of Justice of the European Union (CJEU) of 13 July 2022 in Case T-227/21²,
- having regard to the Commission communication of 24 March 2022 entitled ‘Temporary Crisis Framework for State Aid measures to support the economy following the aggression against Ukraine by

¹ Texts adopted, P9_TA(2023)0227.

² Judgment of the General Court of 13 July 2022, *Ilumina, Inc. v European Commission*, T-227/21, ECLI:EU:T:2022:447.

Russia'¹,

- having regard to Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation)²,
- having regard to Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act)³,
- 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 market⁴,
- having regard to Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty⁵,
- having regard to Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty⁶,
- having regard to the Commission communication of 18 February 2022 entitled 'Guidelines on State aid for climate, environmental protection and energy 2022'⁷,
- having regard to the Commission communication of 31 January 2023 entitled 'Guidelines on State aid for broadband networks'⁸,
- having regard to the draft Commission notice on the definition of the relevant market for the purposes of Union competition law,
- having regard to the Commission staff working document of 1 December 2022 entitled 'Evaluation of the State subsidy rules for health and social services of general economic interest ('SGEIs') and of the SGEI de minimis Regulation' (SWD(2022)0388),
- having regard to the entry into force on 1 September 2023 of the package of measures adopted on 20 April 2023, designed to simplify and streamline the procedures for reviewing certain mergers that do not raise competition concerns (C(2023)2400, C(2023)2401,

¹ OJ C 131 I, 24.3.2022, p. 1.

² OJ L 24, 29.1.2004, p. 1.

³ OJ L 265, 12.10.2022, p. 1.

⁴ OJ L 11, 14.1.2019, p. 3.

⁵ OJ L 1, 4.1.2003, p. 1.

⁶ OJ L 123, 27.4.2004, p. 18.

⁷ OJ C 80, 18.2.2022, p. 1.

⁸ OJ C 36, 31.1.2023, p. 1.

C(2023)2402),

- having regard to Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market¹,
- having regard to the 2023 State of the Union Address by the President of the European Commission Ursula von der Leyen² ,
- having regard to the Commission's decision of 6 September 2023 on the designation of gatekeepers under the Digital Markets Act (DMA),
- having regard to Commission Implementing Regulation (EU) 2023/914 of 20 April 2023 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings and repealing Commission Regulation (EC) No 802/2004³,
- having regard to the joint European Declaration on Digital Rights and Principles for the Digital Decade of 23 January 2023 by the European Parliament, the Council and the European Commission⁴,
- having regard to the judgment of the CJEU of 4 July 2023 in Case C-252/21⁵,
- having regard to the document entitled 'DG COMP Code of good practices for a transparent, inclusive, faster design and assessment of IPCEIs' of 17 May 2023⁶,
- having regard to the report of the European Securities and Markets Authority (ESMA), entitled 'Report on CRA Market Share Calculation' of 15 December 2022,
- having regard to the Commission notice of 27 April 2004 on informal guidance relating to novel questions concerning Articles 81 and 82 of the EC Treaty that arise in individual cases (guidance letters)⁷,
- having regard to the Commission communication of 21 July 2023 entitled 'Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation

¹ OJ L 330, 23.12.2022, p. 1.

² European Commission, '[State of the Union address](#)', 13 September 2023.

³ OJ L 119, 5.5.2023, p. 22.

⁴ OJ C 23, 23.1.2023, p. 1.

⁵ Judgment of the Court (Grand Chamber) of 4 July 2023, *Meta Platforms Inc and Others v Bundeskartellamt*, C-252/21, ECLI:EU:C:2023:537.

⁶ [DG COMP Code of good practices for a transparent, inclusive, faster design and assessment of IPCEIs](#).

⁷ OJ C 101, 27.4.2004, p. 78.

agreements'¹,

- having regard to the Commission decision of 25 September 2023 prohibiting the proposed acquisition of Flugo Group Holdings AB ('eTraveli') by Booking Holdings ('Booking'),
 - having regard to the opinion of the European Economic and Social Committee²,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0427/2023),
- A. whereas EU competition policy plays an important role in setting fair conditions for doing business in the single market in order to protect markets against concentrations and the undue accumulation of market power and to encourage innovation and growth for the companies – especially small and medium-sized enterprises (SMEs) – within the single market and, consequently, advancing consumer welfare and providing greater choice for consumers and businesses;
- B. whereas a fruitful interplay between competition policy and other sectoral policies is necessary; whereas competition policy could contribute to bolstering the resilience, integrity and competitiveness of the internal market, as well as achieving the goals of the European Green Deal and the Digital Compass and the EU's objectives as enshrined in Article 3 of the Treaty on European Union (TEU);
- C. whereas international exchange and cooperation are essential to achieving a global and competitive level playing field and tackling the challenges of the twin digital and green transitions in a coordinated manner;
- D. whereas the global geopolitical circumstances also require responsible, competitive solutions in the field of competition policy; whereas the EU should use all the political and legislative tools at its disposal to defend the integrity, resilience and competitiveness of its internal market in view of the challenges posed by the increasing number of conflicts around the world, trade tensions among competing countries, the climate change crisis and the pressure of inflation and low levels of economic growth; whereas there is a need to reduce the EU's harmful dependencies on non-EU countries and global powers in areas such as energy, medicines, technology or raw materials;
- E. whereas the Commission and national competition authorities need

¹ OJ C 259, 21.7.2023, p. 1.

² European Economic and Social Committee, '[Report on Competition Policy 2022](#)', 25 October 2023.

to act in an impartial and objective way in order to preserve the credibility of the EU's competition policy;

- F. whereas the global strength and importance of the EU single market derives from its internal competitiveness and equalised level playing field;

The role of competition and the policy response to the war in Ukraine, the US Inflation Reduction Act and the continuing challenges resulting from the COVID-19 pandemic

1. Calls on the Commission to safeguard the integrity of the single market; recalls that the response to the US Inflation Reduction Act must not be solely based on the use of State aid, but also on creating a more favourable environment for doing business and a renewed competition framework, providing speed and flexibility for companies investing and competing fairly in Europe, while complying with the EU's climate goals;
2. Takes note of the Temporary Crisis and Transition Framework (TCTF), as well as of the update of the State aid rulebook that allows investments for the green and digital transitions; takes note of the 2023 adoption and inclusion of the 'matching clause'; calls on the Commission to carefully avoid creating the conditions for a subsidy race and to use the tools at its disposal to prevent and counteract unfair subsidy competition; stresses that any additional state support must be targeted and temporary in nature; upholds that State aid should be consistent with EU policy objectives such as the Green Deal and the European Pillar of Social Rights; calls on the Commission to investigate the lack of harmonisation of clawback mechanisms in the Member States;
3. Calls on the Commission to ensure that all temporary State aid instruments are sufficiently targeted to avoid fragmentation of the single market;
4. Stresses that additional public and private investment will be needed to face new challenges; underlines that the EU budget needs to be properly equipped to address the challenges of the future, including the fragmentation of the internal market, supporting the EU's industrial strategy, reducing our critical dependencies and ensuring our open strategic autonomy; highlights that these challenges cannot be addressed by public spending alone;
5. Recalls that a fragmented approach to State aid has the potential to create an uneven playing field within the EU internal market as not all Member States have the same fiscal space to provide support; calls, therefore, for the monitoring of potential distortive effects and for any flexibility of the public support to be applied solely to support provided at EU level;

6. Calls on the Commission to look into how inflation impacts competition by creating incentives for companies to cooperate with competitors to coordinate prices¹, as well as its consequences for markets and consumers' welfare; highlights the need to improve the data on profits in order to efficiently address potential consequences, as research by the European Central Bank and the International Monetary Fund suggests that corporate profits have been important temporary drivers of inflation; calls on the Commission to closely monitor, along with the national competition authorities, the consequences of anticompetitive conduct and its role in inflation developments; reiterates that the Commission must make use of all the available tools under competition law to tackle the cost-of-living crisis;
7. Welcomes competition authorities' initiatives across several Member States² to introduce new market investigation powers as long as they do not lead to the fragmentation of the internal market; calls on the Commission to introduce a similar market investigation tool to avoid enforcement gaps where the practices occur across national borders within the EU and to adopt sector-wide remedies when necessary to effectively address anticompetitive behaviours; recalls the Commission's initiative for a 'New Competition Tool', which aimed to address gaps between EU competition rules and intervention tools against structural competition problems across markets; notes that, with the new competition tool, the Commission would be able to investigate competition issues across entire sectors; calls on the Commission to reassess the 'New Competition Tool';
8. Underlines the importance of the Important Projects of Common European Interest (IPCEIs) for financing large transnational projects and achieving the EU's strategic priorities; takes note of the specific criteria for IPCEIs for the analysis of the compatibility with the internal market of State aid; deplores that the lengthy and complex procedures required are often too burdensome for SMEs; calls on the Commission and Member States ensure that any notification is completed within six months at the latest; stresses that IPCEIs should have genuine European added value;
9. Calls on the Commission to assess how EU competition principles have affected the supply of services of general economic interest (SGEI), also in the light of the COVID-19 crisis and increased costs of living; calls on the Commission to assess the position of social services of general interest and an SGEI exemption for affordable housing;
10. Welcomes the Commission's 'Guidelines on the application of EU

¹ OECD, '[Competition and Inflation: OECD Competition Policy Roundtable Background Note](#)', 2022.

² Greece, Germany.

competition law to collective agreements', clarifying that EU competition law does not prevent solo self-employed workers from engaging in collective bargaining; recalls that self-employed workers often have limited or no access to collective bargaining, which may lead to precarious working conditions;

11. Recalls the integral connection between competition policy and the internal market, which is clear from the text itself of Articles 101 and 102 TFEU governing EU competition policy; welcomes the fact that the Commission, in both its legislative and policy work, has recognised the need to integrate competition policy with the internal market objectives which frame it;
12. Points out the need to effectively address market distortions and market failures, and to enhance competition by removing existing unjustified regulatory barriers and reducing unnecessary administrative burdens to facilitate entry for new competitors;
13. Stresses the relevance of the CJEU's judgments in cases C-555/21 (UniCredit Bank Austria) and C-383/18 (Lexitor sp. z o.o.) for ensuring a level playing field in the consumer credit market and avoiding its competitive distortion;

Competition policy enforcement and global trends

14. Welcomes the Commission's announcement that it will launch an anti-subsidy investigation into Chinese electric vehicles under Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union¹; underlines the importance of the effective implementation of EU instruments on foreign subsidies, including Regulation (EU) 2022/2560 on foreign subsidies in order to ensure the mitigation of potentially distortive effects on the single market; draws attention to the lack of resources with only eight full-time equivalents (FTEs) within the Commission;
15. Calls on the Commission to modernise public procurement rules in order to deal with new priorities and operational challenges, with a view to helping foster greener industry and European standards;
16. Stresses that EU competition rules should contribute to the EU's objective as defined in Article 3 TEU; stresses that the 'fair price' of products is not the lowest price possible for the consumer, but a price that allows for the fair remuneration of all parties along the supply chain, while not resulting in negative externalities; underlines that enforcing competition policy to the benefit of consumers should not only include considerations on price levels, but also sustainability

¹ Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union, OJ L 176, 30.6.2016, p. 55.

considerations and impacts on citizens' privacy;

17. Underlines the key role of the European Competition Network (ECN) as a forum to foster collaboration and cooperation among European competition authorities; calls on the Commission to strive for continued constructive dialogue and cooperation at international level; underlines the need to increase collaboration between antitrust and other sectoral regulators, such as those dealing with data privacy, to both supervise corporate data misuse and prevent companies from using consumer data to gain an unfair competitive advantage; welcomes the relevant role of national competent authorities (NCAs) in enforcing the DMA rules and the national legislative initiatives that are being put in place to tackle the anticompetitive behaviour of large online platforms in digital sectors; stresses, in this regard, the importance of coordinated and homogeneous action that does not undermine the application of the DMA, on the one hand, and national competition rules in the digital sector, on the other hand, as provided for in Article 1(6) DMA;
18. Points out that in a globalised world, international cooperation is crucial to ensure effective competition enforcement; stresses that dedicated cooperation agreements with non-EU countries in the area of competition policy can meaningfully contribute to its effectiveness; calls on the Commission to develop the influence of competition policy in the world, in particular by stepping up cooperation with non-EU countries via second generation cooperation agreements that allow for a more effective exchange of information between competition authorities;
19. Calls on the Commission to make greater use of additional evidential tools such as behavioural insights and financial analytics, as well as greater use of data, computer and AI scientists, and behavioural economists in competition law enforcement;
20. Notes the continued high degree of market concentration for credit rating agencies given that the three largest credit rating agencies hold a market share of over 90 %¹; reiterates the need to enhance competition in this market so as to ensure impartiality and trust;
21. Regrets the decision of Ernst & Young to stop the separation process of its audit and advisory businesses; notes that the combination of audit and advisory businesses can lead to conflicts of interest and can enhance the market dominance of each of the Big Four firms; calls on the Commission to investigate the audit and advisory business combination and to possibly present measures to prevent conflicts of interest and market dominance;

¹ European Securities and Markets Authority, '[Report on CRA Market Share Calculation](#)', 15 December 2022.

Merger control

22. Notes that the buying out of start-ups by dominant players might dry up innovation and, eventually, competition; underlines the importance of the Commission paying close attention to the phenomenon of 'killer acquisitions' in the digital sector that must be reported under the DMA, and taking decisive action under Article 22 of the EC Merger Regulation where appropriate;
23. Welcomes the Commission's recent decisions on merger cases¹; underlines the importance of structural remedies in merger decisions; notes that the largest and most influential online platforms affect the daily operations of tens of thousands of SMEs; stresses that an acquisition cannot lead to the strengthening of the dominant position of a company in the hotel market by allowing it to cross-sell its various services;
24. Welcomes the Commission's initiative to review its notice on the definition of 'relevant market' and looks forward to the outcomes of the public consultation; underlines the need to adopt a more dynamic approach that goes beyond the traditional approach, especially for new emerging markets such as in the digital sector, and takes into account a longer-term vision encompassing the global dimension and potential future competition; deplores the fact that, in the past, the Commission sometimes took too narrow a perspective on the relevant market, thus depriving European companies of the opportunity to effectively compete in a globalised arena; supports the Commission in taking into greater account the potential harm to competition when assessing mergers in which expansion into adjacent markets would have the effect of further strengthening market dominance in the acquiring company's core market;
25. Is concerned by the far reaching concentration in certain parts of the food supply chain, to the detriment of consumers, farmers, the environment and biodiversity alike;
26. Recalls that, under the EC Merger Regulation, Member States can take appropriate measures to protect matters of public interest, such as climate protection, sustainability and the rule of law and asks for the Commission to be given the same possibility when examining the impact of concentration on the internal market;

Antitrust and cartels

27. Calls on the Commission to make better use of the instrument of interim measures to stop any practice which would seriously harm competition, particularly in relation to dynamic and rapidly

¹ European Commission, '[Booking Holdings/Etraveli Group](#)', decision date 25 September 2023.

developing markets such as digital markets;

28. Welcomes the new approach in the latest antitrust cases where the Commission, for the first time, and, under certain conditions, provides for the imposition of structural remedies to stop anticompetitive conduct, especially when the anticompetitive practice in question has been reiterated in other market segments by the same company over the years; encourages the Commission, in this regard, to continue in this direction for an effective *ex post* antitrust enforcement;
29. Calls on the Commission to speed up antitrust procedures, set appropriate time limits for the procedures and ensure an effective follow-through of decisions in order to avoid lengthy procedures, such as in the case of Spotify, which filed a complaint against Apple in 2019, and wherein, in spite of the Commission having issued a statement of objections, no concrete actions have been taken to address Apple's restrictions, preventing app developers from freely communicating with their own users;
30. Welcomes the launch of the initiative on the guidelines on exclusionary abuses of dominance, which will be drafted in 2024 and adopted in 2025, and the Commission's commitment to a vigorous, effective and prompt application of Article 102 TFEU in the area of exclusionary abuses; calls on the Commission to concretely confirm the effect-based enforcement of antitrust rules and, in particular, the relevance of the economic evidence in appropriate cases; calls for consumer vulnerability to be taken into account when assessing exploitative abuses such as excessive prices and unfair terms;
31. Notes the opening of a formal investigation into possible anticompetitive practices by a gatekeeper by tying or bundling a communication and collaboration platform to its own dominant and popular software¹; calls on the Commission to carefully assess the concessions, unilaterally offered by the gatekeeper, with the undertakings involved, in order to ensure that they address the concerns of market players with regard to new and existing users, as well as interoperability and pricing issues;
32. Insists on effective remedies which may require greater coordination between enforcers and further dialogue with third parties, as well as appropriate enforcement; recalls that undertakings designated as gatekeepers have been subject to previous antitrust rulings, which have not led to effective behavioural changes, especially regarding self-preferencing in digital markets; invites the Commission to make better use of structural remedies as a matter of last resort; reiterates its call on the Commission to end the primacy of behavioural

¹ European Commission, '[Antitrust: Commission opens investigation into possible anticompetitive practices by Microsoft regarding Teams](#)', 27 July 2023.

remedies in EU law;

33. Reiterates its call on the Commission to address the anticompetitive effect of territorial supply constraints with a view to ensuring a fully functional single market and harnessing its potential benefit for consumers;
34. Reiterates, furthermore, its call on the Commission to continue actively monitoring and removing unjustified geo-blocking and other restrictions on cross-border online sales, having at its core a pro-consumer approach to allow consumers access to a greater choice of products and services across the EU;

Competition policy in the digital age

35. Welcomes the designation of six gatekeepers – Alphabet, Amazon, Apple, ByteDance, Meta, Microsoft¹ – for 22 core platform services under the DMA, the four market investigations for the rebuttal as well as the first market investigation under Article 3(8) DMA; encourages the Commission to promptly adopt delegated acts in order to expand the modalities of application or to specify the modalities of implementation of the obligations laid down in Articles 5, 6, 7 and 12 DMA; calls on the Commission to rigorously assess whether the gatekeepers are complying with the DMA obligations before 6 March 2024 and to seek feedback from third parties as to whether the compliance solutions offered by gatekeepers lead to fairer and more contestable digital markets; calls on the Commission to ensure that gatekeepers' measures on the security and integrity of their platforms, which could impact compliance with the DMA, are vetted by independent third parties and not solely based on the gatekeepers' own assessment;
36. Points out that the Commission study on 'the impact of recent developments in digital advertising on privacy, publishers and advertisers' concludes that the large-scale collection and processing of personal data for advertising purposes and the opaqueness of the digital advertisement market could be fuelling ad fraud²; calls on the Commission, in line with the study's recommendations, to further analyse legislative options for future policy interventions, including the imposition of structural remedies, to address anticompetitive conduct, by complementing the DMA and the Digital Services Act (DSA)³ in this regard;

¹ [See official decisions](#) DMA. 100044, 100040, 100035, 100027, 100026, 100025, 100024, 100020, 100018, 100017, 100016, 100013, 100011.

² European Commission, 'Study on the impact of recent developments in digital advertising on privacy, publishers and advertisers', p. 263-264.

³ Regulation (EU) 2022/2065 of the European Parliament and of the

37. Notes the market investigations into Microsoft's Edge and Bing¹ and Apple's iOS and iMessage² in order to assess their role as gateways and their entrenched positions in the market, as per the decision to designate Apple and Microsoft as gatekeepers under the DMA; highlights the inclusion by default of iMessage on all iOS devices for more than 144 million users; stresses the importance of smartphones as an essential personal and professional tool; highlights that today's market is dominated by two operating systems, with their own non-interoperable messaging services, which limits the possibility for users and businesses to freely move from one ecosystem to the other and to seamlessly communicate with each other regardless of operating system, which is fundamentally against the spirit and the letter of the DMA; calls, therefore, on the Commission to proceed expeditiously in its investigation and its effective implementation to bring the benefits of messaging interoperability to all in a timely manner;
38. Notes the CJEU decision in the *Meta v Bundeskartellamt* case that affirms the competence of national competition authorities to enforce data protection rules under antitrust laws; points out that the CJEU affirms that the protection of personal data is an important consideration when examining an abuse of a dominant position and that it imposes requirements on the use of individuals' personal data for targeted advertising; encourages competition authorities to investigate infringements of the General Data Protection Regulation³ and data protection authorities to sanction such infringements;
39. Notes the conclusions of the proceedings of the Bundeskartellamt and Alphabet Inc. that gives Google users better choices as to how Google processes their data; asserts that EU consumers must have the choice of whether they allow agglomeration and cross-service data processing of their personal data; encourages the Commission to pursue the coordination of enforcement activities and cooperate with national competition authorities in order to facilitate an effective interplay between competition law and the DMA, especially in the context of the DMA's 'further obligations';
40. Points out that the Internet of Things is a growing market; points out further that smart home devices, such as robot vacuum cleaners, are a major source of consumer data; notes that mergers and acquisitions in this sector can provide major competitive damage;

Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC, OJ L 277, 27.10.2022, p. 1.

¹ Decision DMA. 100015; DMA. 100028 and DMA. 100034.

² Decision DMA. 100047 and DMA. 100022.

³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1.

calls on the Commission to include data as a source of market power in the evaluation of merger and acquisition cases in this sector, specifically when these cases involve established big tech companies; calls, furthermore, for conditions to be imposed on the use of data, if needed;

41. Regrets the absence of cloud service providers from the gatekeepers list; calls on the Commission to consider opening market investigations under Article 3(8) DMA (qualitative assessment) in this sector, given, in particular, the concentrated market structure and damaging anti-competitive practices underlined by national competition authorities; highlights that the European cloud market is dominated by a few very large players; calls on the Commission to ensure that all eligible services are designated in order to restore fair and equal competition in the European cloud market;
42. Calls on the Commission to assess the need of launching a market investigation under Article 19 DMA, adding new categories of core platform services under Article 2(2) DMA in the light of the latest technological developments that may lead to new types of services that do not fall within the existing categories such as generative artificial intelligence; recognises that new features powered by generative artificial intelligence can be incorporated into existing digital services, such as online search engines, and can be captured by the existing list of core platform services that could lead to the strengthening of existing gatekeepers;
43. Notes the joint statement by the G7 competition authorities on competition and artificial intelligence, underlining the importance of cooperation to promote competition in digital markets¹; calls on the Commission to be vigilant regarding cooperation agreements in the context of developments in artificial intelligence in order to ensure that such cooperation agreements are not potentially hidden mergers or killer acquisitions;
44. Reiterates that the DMA has a different legal basis in contrast to the competition framework; stresses the need for the effective coexistence of the *ex post* enforcement of competition law and the *ex ante* enforcement of the DMA, given their complementary nature; stresses the need to deploy sufficient staffing resources and synergies for an effective implementation of the rules, and to avoid overlaps or duplications of existing structures and measures;
45. Highlights the EU's future connectivity needs in terms of infrastructure and investments; calls on the Commission to consider a revision of the current competition practice for the telecom market in order to facilitate the creation of a fully integrated single market

¹ G7 Hiroshima summit, '[Compendium of approaches to improving competition in digital markets](#)', 8 November 2023.

for telecommunication services; notes that market consolidation might be the only way to avoid selling infrastructure piece by piece to foreign non-EU companies and to compete effectively in a global scenario; points out that the growth of this sector in Europe has been very low over the last decade and that fragmentation is the main reason for this; welcomes, in this regard, Commissioner Breton's announcement of the Commission's work on a new proposal for a Digital Networks Act to address market fragmentation, attracting investment and securing telecom infrastructure and innovation without extra costs for consumers and without jeopardising net neutrality and fair competition on the market between all players;

46. Notes, with concern, that gatekeepers that develop a data advantage over rivals can achieve critical economies of scale, which contribute to the further tilting of competitive balances in digital markets and stifle innovation;
47. Stresses that personal data assets should be considered and assessed in the same way as other traditional assets when deciding on digital mergers and acquisitions; stresses further that data consolidation through mergers and acquisitions can strengthen a dominant position;

Taxation

48. Deplores the distortive effects of aggressive tax planning and of tax systems of certain Member States on fair competition, as they may stifle innovation and jeopardise the contestability of markets, especially for SMEs; calls for companies that engage in tax avoidance using non-EU tax havens to be excluded from public procurement procedures and barred from receiving State aid, as these companies are competing under unfair conditions with companies established in non-tax havens; welcomes the Commission's recommendation of 14 July 2020 to not grant financial support to companies with links to tax havens, while protecting honest taxpayers;
49. Calls on the Commission to look into the possibility of fining countries found to be in breach of EU State aid rules; encourages the Commission to pursue its investigations into Member States' tax ruling practices;
50. Notes the commitment of Vice-President Šefčovič and Commissioner Hoekstra to launch a discussion on phasing out fossil fuel subsidies; recalls its demand to implement concrete policies, timelines and measures to phase out fossil fuel subsidies through tax measures as soon as possible;
51. Welcomes the Commission's vigilance in enforcing State aid rules in the area of taxation;

52. Deplores, at the same time, that several recent Commission decisions in high-profile competition cases in the area of taxation have been annulled by the CJEU; calls on the Commission to prepare its competition policy cases more thoroughly so that they can hold up in a court of law; notes, with concern, that the annulment of fines and the retroactive payment of default interest in annulled cases also pose a budgetary risk for the EU;

Parliamentary involvement

53. Stresses that Parliament should play an active role in shaping competition policy and should be more involved in the activity of working parties and expert groups; considers that more frequent use should be made of Parliament's right to intervene in judicial proceedings concerning competition law;
54. Calls on the responsible Commissioner in charge of competition policy to stay in close contact with Parliament's competent Committee and its working group on competition issues;

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55. Instructs its President to forward this resolution to the Council, the Commission and the parliaments and competition authorities of the Member States.