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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject: ANNEX to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A competition policy fit for new challenges

Delegations will find attached document COM(2021) 713 final - ANNEX.

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ANNEX

ANNEX

to the

**Communication from the Commission to the European Parliament, the Council, the
European Economic and Social Committee and the Committee of the Regions**

A competition policy fit for new challenges

Timeline and milestones of the review of competition policy rules

Title	Summary of the Initiative	Planning
Horizontal / New tools		
Proposal for a Digital Markets Act (DMA)	The DMA proposal aims to ensure contestable and fair markets in the digital sector. It will establish a set of narrowly defined objective criteria for qualifying a large online platform as a “gatekeeper” and set up specific obligations, “do’s” and “don’ts”, that they must comply with in their daily operations. The DMA will complement competition enforcement in keeping digital markets well-functioning.	The Commission’s proposal (COM/2020/842 final) adopted on 15 December 2020 is currently being discussed by the co-legislators.
Proposal of Regulation of Foreign Subsidies	The legislative proposal on Foreign Subsidies aims to tackle foreign subsidies that cause distortions and undermine the level playing field in the Single Market. Under the proposed Regulation, the Commission will have the power to investigate financial contributions granted by non-EU governments to companies active in the EU. If the Commission finds that such financial contributions constitute distortive subsidies, it can impose measures to redress their distortive effects.	The Commission’s proposal (COM(2021) 223 final) adopted on 5 May 2020 is currently being discussed by the co-legislators.
Antitrust / Mergers		
Market Definition Notice	The initiative aims to ensure that the Notice remains fit-for-purpose and is updated to reflect latest market developments and evolutions in the Commission’s approach to market definition.	The Commission aims to adopt a new Notice at the latest by Q1 2023.
Horizontal Block Exemption Regulations (HBERs)	The initiative concerns the review of the competition rules applying to cooperation agreements between competitors, namely: two block exemption regulations of 2010 providing safe harbours to certain categories of research and development agreements and to certain categories of specialisation (production) agreements, and the accompanying guidelines on the application of competition rules to various types of cooperation agreements (information exchange, research and development, joint production, joint commercialisation, joint purchasing, standardisation). The review aims at ensuring that the guidance provided takes into account new market developments such as the more frequent use of data pools, the increase in research and development cooperation and in sustainability agreements.	The current HBERs expire on 31 December 2022. The Commission plans to adopt new HBERs by Q4 2022.
Vertical Block Exemption Regulation	The initiative concerns the review of: the competition rules applying to vertical agreements (between companies operating at different levels of the supply chain), a block exemption regulation of 2010 providing a safe harbour to vertical agreements for which it can be	The current VBER expire on 31 May 2022. The Commission plans to adopt a

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(VBER)	assumed with sufficient certainty that they generate economic efficiencies and therefore satisfy the conditions for an exemption under Article 101(3) TFEU, and the accompanying Vertical Guidelines. The review has three main goals. The first main goal is readjusting the safe harbour in light of market developments to ensure that companies can identify better which agreements benefit from it. The second main goal is to provide stakeholders with up-to-date guidance for a business environment reshaped by the growth of e-commerce and online platforms, and to ensure a more harmonised application of the vertical rules across the Union. The third main goal is to reduce compliance costs for businesses by simplifying the current rules and streamlining the existing guidance.	new VBER by Q2 2022.
Motor Vehicle Block Exemption Regulation (MVBER)	This initiative aims to review the competition rules applicable to vertical agreements in the motor vehicle sector, such as vertical restraints in agreements for the sale and repair of motor vehicles and for the distribution of spare parts for motor vehicles. The objective is to verify and therefore satisfy the conditions for an exemption under Article 101(3) TFEU, and – if it is the case – under which conditions. The review concerns both a block exemption of 2010 and the related guidelines.	The current MVBER expires on 31 May 2023. The Commission plans to complete the review by Q2 2023.
Shipping Consortia Consortia Block Exemption Regulation (CBER)	The CBER foresees a review before it expires. An evaluation would inform the decision of whether to let the CBER expire, or prolong it, and, if so, under which conditions, if any.	The current CBER expires on 25 April 2024.
Collective Bargaining for self-employed	The initiative aims at ensuring that the Union’s competition law does not stand in the way of collective agreements for solo self-employed who are in a weak position. Collective bargaining between employers and employees falls outside the scope of the Union’s competition law. However, self-employed are considered “undertakings” and thus potentially within the remit of the Union’s cartel prohibition when they try to negotiate collectively their working conditions vis-à-vis platforms or other professional customers.	The Commission plans to publish the draft Guidelines for public consultation by Q4 2021.
Follow-up to Merger Evaluation: Further simplification of procedures	This initiative aims to improve the EU merger control procedures in order to (i) better target the merger review process, allowing the Commission to focus its investigations on the cases that merit a more detailed review and (ii) reduce the administrative costs and burdens of the merger review process for companies.	The Commission plans to adopt a new Notice on the simplified procedure for treatment of certain mergers and a revised implementing Regulation by Q4 2022.

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State aid		
Sixth Amendment of the State aid Temporary Framework	This initiative has two objectives. First, the progressive phase-out of crisis measures of the State aid Temporary Framework, with a limited prolongation of existing measures until 30 June 2022. Second, to add new measures to the State aid Temporary Framework to enable targeted support to companies that have been hardest hit by the crisis.	The Commission has adopted the amendment on 18 November 2021.
Amendment of the State Aid General Block Exemption Regulation (GBER) in light of MFF	The amendment of GBER provides new rules to: (i) accompany the new Multiannual Financial Framework; (ii) support the twin transition to a green and digital economy and (iii) the recovery from the economic effects of the coronavirus pandemic.	The Commission adopted the amendment of the GBER on 23 July 2021 (Commission Regulation (EU) 2021/1237 of 23 July 2021 amending Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty). The amendment entered into force as of 1 August 2021.
De Minimis Regulation	Given that the De Minimis Regulation expires, the Commission will start assessing those rules in order to decide on their future orientation	The current De Minimis Regulation expires at the end of 2023.
Amendment of the State Aid Block Exemption Regulation (GBER) in light of the Green Deal and the digital transformation	The ongoing amendment of the GBER will provide new rules for State aid to promote the green and digital transition. It complements the parallel revisions of the Guidelines on regional aid, on aid for research, development and innovation, on risk finance aid and on aid for environmental protection and energy, by amending the relevant parts of the GBER.	The Commission plans to adopt the amendment to the GBER by the first half of 2022.
General Revision of the State aid General Block Exemption Regulation (GBER)	Before the GBER expires, an evaluation will need to be conducted on its future orientation.	The current GBER expires at the end of 2023.
State Aid Modernisation (SAM) Fitness Check	In January 2019, the Commission launched a fitness check of State aid modernisation, the railways guidelines and the short-term export credit insurance communication, to ensure the rules are fit for the changing market environment. The evaluations of the different state aid rules included in the Fitness Check concluded that, overall, the State aid control system and	The Commission published the results of the evaluation on 30 October 2020 (Commission Staff Working Document

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	rules are fit for purpose. However, individual rules need some adaptation, also in the light of the European Green Deal and the EU's Industrial and Digital Strategies.	SWD(2020)257).
State aid Rail transport Guidelines	This initiative aims to update the State aid rules applicable to rail transport so they are fully aligned with key the Union's priorities; easier to apply; adapted to the sector's needs so it can grow and become more competitive. The revised rules will also codify existing case practice, in particular in supporting the shift to more sustainable transport modes. The initiative also includes the possibility for a block exemption from prior notification of aid measures in the field of land and intermodal transport.	The Commission plans to adopt the new Guidelines (and possibly propose new block exemptions) by Q4 2023.
Short-term export credit insurance Communication (STEC)	The results of the fitness check evaluation confirmed that, overall, State aid rules for short-term export credit insurance worked well. The revision envisages a prolongation of STEC beyond 2021 as well as a small number of technical amendments reflecting market developments. The maximum annual export turnover of SMEs covered by the STEC will increase from EUR 2 to EUR 2.5 million.	The Commission plans to adopt a new Communication by Q4 2021.
Risk Finance Guidelines (RFG)	The results of the fitness check evaluation confirmed that the current provisions are overall fit for purpose and remain needed. At the same time, the evaluation also showed the need to further simplify and clarify the rules. With this aim, the focus of the revision has been to (i) change the structure of the RFG to increase readability and ease of application, (ii) further clarify the specific content and level of evidence needed to demonstrate a market failure, and (iii) streamlining existing formulations and aligning definitions to increase consistency with the GBER.	The Commission plans to adopt the new Guidelines in the course of Q4 2021.
Banking Communication	In its statement of 30 November 2020, the Eurogroup invited the Commission to review its State aid framework for banks in the context of the review of the crisis management and deposit insurance framework. The initiative aims at responding to this request.	The Commission will start an evaluation of the State aid framework for banks in 2022.
Climate, Environmental Protection and Energy Aid Guidelines (CEEAG)	This initiative will revise the current guidelines on State aid for environmental protection and energy measures against the backdrop of the industrial strategy, the digital transition and the European Green Deal. It will help transform the Union into the world's first climate-neutral, circular and zero-pollution economy by 2050.	The Commission plans to adopt the new Guidelines by Q4 2021.

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State aid Broadband Guidelines	<p>This initiative aims to revise the State aid rules applicable to broadband sector to update it in line with the technological and socio-economic developments and to take into account the new Union's connectivity objectives as well as other recent policy developments.</p> <p>The new Guidelines will further enable interventions by public authorities to ensure a fair digital transformation of the EU, in line with the Next Generation EU Programme and the Digital Strategy.</p>	The Commission plans to adopt the new Guidelines by Q2 2022.
Services of General Economic Interest (SGEI) – health and social services	The purpose of the evaluation is to check if the rules on health and social services of general economic interest meet their objectives under the 2012 services package. Those objectives were to support the Union's Member States in funding services that are vital to people and society as a whole while preserving the key concepts of State subsidy control and therefore avoiding distortions of competition. The evaluation will also assess how the Regulation on small-scale government subsidies (<i>de minimis</i> State aid) for such services has been applied.	The Commission plans to adopt a Staff Working Document by Q1 2022.
Regional Aid Guidelines (RAG)	The revised RAG include a number of targeted adjustments to simplify and reflect experience gained from the application of the previous rules, as well as to reflect new policy priorities related to the European Green Deal and the European Industrial and Digital Strategies	The Commission adopted new Guidelines on 19 April 2021 (Communication from the Commission, Guidelines on regional State aid, C/2021/2594, of 19 April 2021). The revised Guidelines enters into force on 1 January 2022, for the period 2022-2027.
Communication on Important Projects of Common European Interest (IPCEI Communication)	The proposed targeted review reflects the experience gained from the application of the current rules and aims to further enhance the open character of IPCEIs, to align the Communication with current EU priorities, in particular the Green Deal and the Digital strategy, and to facilitate the participation of SMEs.	The Commission plans to adopt the Communication by Q4 2021.
Framework for State aid research, development and innovation (RDI Framework)	The revision aims to: (i) improve and update the existing definitions of research and innovation activities eligible for support under the RDI Framework; (ii) introduce new provisions to enable public support for technology infrastructures, further enabling the swift development of innovative technologies especially by SMEs and facilitating the green and digital transition of the Union's economy; and (iii) simplify certain rules.	The Commission plans to adopt the Communication by Q4 2021.

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Guidelines for State aid to the Agricultural and Forestry Sectors and in Rural Areas and Agricultural Block Exemption Regulations (ABERs)	<p>The revision aims to adapt the rules to the new Common Agricultural Policy, to the Green deal's orientation and new challenges of the civil society.</p> <p>The texts aim to take on board the new environmental challenges that are ahead by giving even more possibilities to grant aids to the forestry sector or encourage pluri-sectoral initiatives in rural areas. The revision aims at the same time to reduce the administrative burden via enlarging the scope of the ABER to new fields and using simplified cost options.</p>	<p>The Commission plans to adopt the revised Regulations by Q4 2022.</p>
Fisheries Guidelines, Block Exemption Regulation (FIBER) and Regulation on <i>de minimis</i>	<p>The revision aims to adapt the rules to the new European Maritime, Fisheries and Aquaculture Fund (EMFAF) and to account for the Green Deal's orientation and its underlying strategies (developing a sustainable Blue economy and a Biodiversity strategy for 2030).</p> <p>The current State aid framework in fisheries/aquaculture already contains numerous aid measures that are particularly relevant for achieving the objectives of the Green Deal. The revision aims to introduce a limited amount of new measures into the FIBER to allow to effectively address specific challenges fisheries and aquaculture faces, e.g. with regard to damage suffered by adverse weather effects or protected animals.</p>	<p>The Commission plans to adopt the revised Regulation by Q4 2022.</p>