Implementation of the rules on competition

2000/0243(CNS) - 27/09/2000 - Legislative proposal

PURPOSE: to present a proposal on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty and amending Regulations 1017/68/EEC, 2988/74/EEC, 4056/86/EEC and 3975/87/EC ("Regulation implementing Articles 81 and 82 of the Treaty"). CONTENT: The current Community rules regulating competition are no longer suited to an enlarged Community for a number of different reasons. Against this background, the subject of the proposal is the reform of the implementing regulations for Article 81 and 82 of the EC Treaty, i.e. Regulation No. 17 and the corresponding transport regulations. It is proposed to create a new enforcement system referred to as a "directly applicable exception system". In such a system, both the prohibition rules set out in Article 81(1) and the exception rules contained in Article 81(3) can be directly applied by not only the Commission but also national courts and national competition authorities. Agreements are legal or void depending on whether they satisfy the conditions of Article 81(3). No authorisation decision is required for enforcing agreements complying with Article 81(3). The characteristics of the proposed system are the following: - more efficient protection of competition; - refocusing the Commission's action; - increased powers of investigation for the Commission; - more level playing field; - more application of Community competition law; - consistent application of Community competition law; - an adequate level of legal certainty for companies and a reduction of bureaucracy. In conclusion, the Commission's proposal for a Council Regulation is fully in line with the principles of subsidiarity and proportionality.