Competition policy: vertical restraints. Green Paper

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The committee adopted the report by Mrs Marianne THYSSEN (PPE, B) on the Commission's Green Paper on vertical restraints (agreements between producers and retailers). Under the present system, vertical agreements are generally exempt from prior control by the Commission for a number of block exemptions. This approach was supported by the committee which, however, considered that the current system of block exemptions should leave room for more flexibility without, however, disturbing the balance between the contracting parties. MEPs proposed a system which introduced a threshold based on market share, below which the current procedural rules would continue to apply. Above this threshold, vertical agreements would be presumed to be compatible with block exemptions, although the Commission would be able to rebut them on its own initiative or following a complaint. Companies which wished to conclude a vertical agreement should retain the option of individual notification. In order to speed up the notification procedure, Mrs THYSSEN called on the European Commission to study the possibility of adopting a number of reference decisions in relation to which subsequent applications could be assessed. The committee wanted the European Commission to propose block exemption for selective distribution agreements. On the other hand, it agreed with the European Commission that a large number of agreements between SMEs should be excluded from the scope of the Union's competition rules. Finally, as Commissioner VAN MIERT had declared that no specific proposals should be expected before the end of next year, the committee considered, for reasons of legal security, that new political guidelines should be adopted on this matter as quickly as possible.