Competition policy. 27th report 1997

1998/2087(COS) - 09/02/1999 - Text adopted by Parliament, single reading

The European Parliament approved the resolution on the XXVIIth report by the Commission on Competition Policy - 1997. This report by Karin Riis-Jorgensen (ELDR,DK) calls for better coordination and integration of resources as well as further exchanges of staff between the Commission and national authorities of Member States in order to safeguard fair competition. As regards democratic accountability, the European Parliament demands that the Commission should formally send it all draft implementing proposals in the field of Community competition policy and that information meetings between the Commissioner for competition policy and the Parliament's relevant committee should become standard practice. The report also calls for further assessment in the Annual Report of the impact of competition policy on other policy areas and a debate on the application of the competition rules to the regulated professions. As regards the application of Articles 85 and 86, the Parliament seeks assurance that the new notice on agreements of minor importance which do not fall within the meaning of Article 85(1) of the EC Treaty will provide legal certainty, especially for SMEs, over the criteria for vertical and horizontal agreements. It wishes to see Commission analysis of the de minimis notice threshold to support its assertion that such agreements have no significant effect on competition or intra-Community trade while minimising bureaucracy and legal costs for SMEs, as well as demonstration in future Competition Policy reports of how the Commission uses the de minimus notice in certain cases. It is anxious that the new de minimus notice should not lead to any "renationalisation" of competition policy. The Parliament reiterates its position as stated in its own resolution on the Commission's Green Paper on vertical restraints. As regards the abuse of a dominant position, the report requests the Commission to examine, on the basis of the ownership criterion, predatory pricing and other unfair practices, regulatory and non regulatory barriers in telecommunications, media, air transport and the banking and financial sectors and to publish suitable guidelines, especially for SMEs, on the definition of the relevant market in Competition Policy regulation. It also requests a Commission presentation to the relevant Parliamentary committee giving an overview of the implications for competition policy of the liberalisation and privatisation of the telecommunications and energy sectors in the different Member States and an examination of possible abuses of dominant positions, of the links between these two sectors and with the banking sector. The Parliament believes that the future development of a liberalised Competition Policy should be coupled with an enhanced consumer policy, should have consumer protection at its heart and help boost employment by means of an improved system of allocating resources. As regards State aid, the report recalls the main findings of the VIth Survey on State aid 1994-1996 and recommends the introduction of a published and regularly updated register of all State aids, including those agreed under block exemptions and similarly, publication on the Commission web-site of all State aid agreements. When supervising State aid for regional development, the Parliament wishes to see that economic and social cohesion is ensured and account is taken of the legalconcept of ultraperipherality. It proposes a "scoreboard" to show which Member States provide the highest and lowest levels of State aid, that stability and convergence programmes should also be subject to competition considerations and more account should be taken of tax exemptions or tax relief. The report emphasises the need for consumers to be protected in the light of the Energy Market Liberalisation Directive (96/92/EC). As regards international cooperation, it points to the need for a new approach to EU competition policy in the light of globalisation. The Parliament favours an increasing role for the WTO in international competition policy and asks for the Commission to be mandated to pursue negotiations in order to reach a multilateral agreement on international competition law as a supplement to the Agreement establishing the WTO. It finally expresses concern that enlargement could create tensions over the adoption of competition policy legislation and therefore welcomes the Commission's assistance to the applicant countries in the application of anti-trust legislation.