Competition policy: vertical restraints. Green Paper

1997/2022(COS) - 18/07/1997 - Text adopted by Parliament, single reading

In adopting the report by Mrs Marianne THYSSEN (PPE, B) on the Green Paper on vertical restraints in EC competition policy (agreements between producers and retailers), Parliament expressed the view that it was necessary to formulate clear policy guidelines in a manner ensuring legal certainty for an effective, consistent and cost-efficient competition policy which promoted consumer interests and the competitiveness of European undertakings, with specific attention being paid to small and medium-sized undertakings. In general, Parliament agreed with the Commission that a large number of agreements between SMEs should be excluded from the scope of the Union's competition rules. It noted that businesses were on the whole opposed to the use of the market share approach, which was regarded as not generally applicable and as being attended by insufficient legal certainty; Parliament therefore called on the Commission to examine the possibility of including parameters other than market share as threshold values. Parliament advocated a system whereby the bottom segment of the market would be exempt, on the basis of the 'de minimis' notice, from the provisions of Article 85(1) of the EC Treaty. Parliament recommended: - that block exemptions should leave room for more flexibility without, however, disturbing the balance between the contracting parties; - that consideration be given to the insertion of a criterion based on market share and above which vertical agreements would enjoy only an easily rebutted presumption of compatibility with the block exemptions; - that consideration be given to a suspension of the application of the block exemption scheme above a certain market share, except for undertakings with an annual turnover below a level to be specified; - that enterprises which concluded agreements that did not comply with the block exemption criteria should retain the option of individual notification. The report also called on the Commission to investigate the possibility of adopting a number of reference decisions in relation to which subsequent applications could be assessed. Lastly, taking the view that competition may be restricted not only by vertical restraints but also by vertical integration, Parliament asked the Commission to carry out a comparable assessment of the impact of the two strategies on competition.