Resolution on competition policy

2004/2507(RSP) - 29/01/2004 - Text adopted by Parliament, topical subjects

The European Parliament adopted a resolution by 237 votes in favour, 213 against with 15 abstentions a resolution highlighting the decisive role that competition policy plays in strengthening the free market in the interests of consumers and improving the functioning of the internal market. It welcomed the modernisation of competition policy which is slowly taking shape, while calling on the Commission to take account of the desire of businesses to be give greater legal certainty regarding complex notification processes. They argue that the 'one-stop shop' principle should be applied to laws on cartels, to prevent firms ending up in a series of parallel proceedings before various national authorities. To ensure there was a level playing field, a European appeal procedure should be set up against the decisions of national authorities on European competition rules. Parliament pointed out that decentralisation of supervision must not cause consistency of aid policy in the internal market to be jeopardized. The introduction of block exemptions for the granting of state aid entails serious risks. In the case of block exemptions from cartel law, the Commission rightly assumes that national authorities will monitor its implementation. The same, however, cannot be expected to apply to state aid, since the authorities themselves are interested parties. The Commission must institute an adequate system of supervision, and if that is not possible, block exemptions must be abolished in the monitoring of state aid. With regard to motor-vehicle distribution, Parliament asked for ex ante regulatory impact assessment to be conducted for cartel legislation. Parliament welcomed the directives on opening up the gas and electricity markets, but felt that delays and asymmetries in the liberalisation process have already caused distortions of competition on European market. It deplored the fact that in the energy, postal, telecommunications and transport sectors, the market is often still dominated by 'national champions'. The Commission needs to be particularly vigilant as to the respect of competition rules where a Member State is not only a regulator, but also the 'supporter' of one of the players in the market, or is itself a player. Moving on, to the media sector, the Commission and the Member States need to be vigilant regarding concentration processes and existing dominant positions held by both private and public operators in this sector. Professional bodies too often, in some Member States, use their self-regulatory powers to benefit the interests of their own members, more than those of consumers. Evidence shows the need to stimulate legislation in order to bring national professional bodies' practices into line with the competition provisions enshrined in the Treaty and the case law of the Court of Justice Parliament turned to the appeals system and considered that the current system for appealing to the Court of Justice could be improved. It asked the Commission to carry out feasibility studies for an independent review body, such as a new judicial panel in accordance with Article 225a of the Treaty, so that cases before the Court can be heard quickly and effectively by judges with specialist knowledge of the legal and economic implications of merger cases. A new system should be considered, whereby the final decision in a merger case should be subject toa preview by an independent review body in a fast-track procedure, thus affecting greater legal certainty to companies and their competitors. On state aid, Parliament deplored the 'accomplished fact' policy which is too often practised by some governments in the allocation of State aid. Whilst recognising that in an enlarged Union with 25 Member States the Commission must adjust its instruments with a view to concentrating its activities on the aid likely to have the greatest influence on competition and Community trade, such criteria must lead to a more efficient use of administrative resources but not to greater tolerance of State aid. Finally, the awarding of contracts for the provision of services of general economic interest by means of regular invitations to tender, in which organizations would be eligible to participate regardless of their public or private status, could help to improve the balance between the rules on competition and those on services of general economic interest.