Answer given by Mr Fischler on behalf of the Commission

(3 July 2001)

The case mentioned by the Honourable Member is currently under consideration by a Swedish Court. The Commission has no jurisdiction to deal with the question asked, which is a matter solely for the national authorities and cannot intervene in a case while a judgement is expected from a national court.

(2001/C 350 E/240)

WRITTEN QUESTION P-1725/01
by Alexander de Roo (Verts/ALE) to the Commission

(6 June 2001)

Subject: Structure of, and timescale for, a European energy tax on the basis of enhanced co-operation

At Parliament’s hearing of the then Commissioner-designate Mr Bolkestein, I asked him on behalf of the Environment Committee whether — in view of Spain’s veto of the introduction of an energy/\(\text{CO}_2\) tax throughout the EU — he was prepared to use the enhanced co-operation clause in the Treaty. He replied that he needed a year in order to be able to give an answer. It is now over a year and a half on, and we have an IGC behind us. Spain remains as strongly opposed as ever, and no decision was taken at Nice to move from a requirement for unanimity in the area of taxation of energy to deciding by a qualified majority.

In order to find a way out of this impasse, the Swedish Presidency proposed that agreement first be reached on the structure of the energy tax. And the Commission recently indicated that it was now seriously considering using the enhanced co-operation instrument in the area of energy taxation (COM(2001) 260). Member States hope to take the first steps in that direction at the Ecofin Council meeting on 5 June.

Does the Commission intend to ensure that this new structure does not include any exceptions for large and intensive energy users that go further than those already provided for in its 1997 proposal?

When does the Commission intend to take steps to propose a European energy/\(\text{CO}_2\) tax on the basis of the enhanced co-operation clause?

Answer given by Mr Bolkestein on behalf of the Commission

(12 July 2001)

The Commission is pursuing its efforts to get the Council to adopt a Directive to restructure the taxation of energy products. As recently reiterated in the communication entitled A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development (\(^1\)), a directive on energy taxation would need to be adopted by 2002 if for no other reason than to limit the effects of climate change. Such a directive is also still needed to reduce distortions in competition due to the very major divergences between the tax rates and bases which the different Member States apply to energy products. The Commission therefore supported the Swedish Presidency’s efforts to relaunch the discussion of energy taxes in the Council.

The Swedish Presidency wanted to begin by examining the practical aspects of the energy tax structure. One of the specific questions raised was that of excise duty exemptions or reductions granted to large-scale consumers of energy, but there were also others such as the arrangements for taxing electricity. All Member States encouraged this approach. However, the Commission insisted that any discussion of the tax structure should be accompanied by a reopening of the debate on future levels of excise duty. Several Member States share this view. These discussions should continue under the Belgian Presidency.
As the communication Tax policy in the European Union — Priorities for the years ahead (2) states, the option introduced by the Amsterdam Treaty which is designed to allow closer co-operation between sub-groups of like-minded Member States could also be considered in certain cases. Where indirect taxation is concerned the possibility of closer co-operation might be the way forward for environment and energy taxes.

The Commission is still working on the details of various complex economic and legal aspects of closer co-operation. This approach must not be allowed to undermine the single market, become a trade barrier or result in trade discrimination, falsify the conditions of competition or affect the jurisdictions, rights and obligations of Member States that do not participate.


WRITTEN QUESTION E-1732/01
by Isidoro Sánchez García (ELDR) to the Commission
(14 June 2001)

Subject: Large shopping centres and unfair competition

There appears to be a general tendency — other than in those Member States where such practices are expressly banned — to install petrol pumps or service stations in large shopping centres. These centres are in some cases in a position to trim their profit margins or, indeed, resort to dumping in order to cut prices as a means of attracting customers to their petrol pumps. This results in situations of unfair competition, with the resultant losses for consumers and other retailers (service stations).

1. Can the Commission state whether it has adopted any recommendation to the Member States to prevent such practices or whether it intends to adopt any control measures in this connection?

2. Can the Commission state what specific measures it will adopt to promote consumers’ interests and transparency as regards fuel prices at petrol pumps or service stations located in large shopping centres?

Answer given by Mr Monti on behalf of the Commission
(24 July 2001)

The Commission has not adopted any recommendation to Member States to prevent that large shopping centres engage in motor fuel retailing, applying, in some cases, a strategy of cutting retail prices, nor does it intend to adopt any control measures in this regard.

In general, the Commission considers that the presence of new entrants and independent, non-integrated companies is essential to maintain and improve the competitive pressure in the motor fuel retail markets. In its press release of 2 October 2000 (1), the Commission pointed out that the experience of the Member States shows that markets where independent non-integrated operators with a countervailing buying power are present typically show a more competitive performance than markets where only integrated oil companies are present. Examples of Member States where supermarkets have proven to be successful entrants at retail level markets are France and the United Kingdom.

Moreover, motor fuel retail markets tend to be regional, or at most, national in scope. The effects of restrictions of competition are therefore likely to be felt mainly within one Member State. In this case, it seems that the questions invoked by the Honourable Member would primarily be a matter for national authorities rather than for the Commission.

It should finally be noted that undertakings are free, under Community competition rules, to sell at whatever price they decide. Community competition law does thus not prohibit undertakings from selling at low prices as a means of attracting customers. Only in case of dominant undertakings this freedom may be limited to a certain extent.