

At what stage of development are the Commission plans?

How would the above-mentioned reform affect the working methods of the Commission?

How long would the procedure take between the moment when suspicions of an illegal merger first arise and the adoption of a final decision?

Does the Commission proposal provide for claims for damages by persons affected adversely directly or indirectly by the activities of a trust which is subsequently deemed illegal?

Answer given by Mr Monti on behalf of the Commission

(19 November 1999)

On 28 April 1999 the Commission adopted a White Paper concerning changes to the procedural rules applicable to restrictive practices and the abuse of dominant positions⁽¹⁾. The White Paper does not cover mergers, which still have to be notified and given prior authorisation before being put into effect.

The Commission has received many comments from the Member States and other interested parties. Parliament and the Economic and Social Committee are also looking at its proposals. On the basis of the reactions it receives, the Commission will pursue its efforts with a view to drawing up a proposal for a Council Regulation to replace the existing one, i.e. Regulation No 17, the first Regulation implementing Articles 85 and 86 of the EC Treaty⁽²⁾. The new proposal is expected to be adopted by the Commission and sent to the Council in the second half of 2000.

The Commission's work would be radically changed by this reform, in particular by the abolition of the system of notifying restrictive practices. The bureaucracy involved in handling notifications would be eliminated, leaving the Commission free to concentrate on taking action against the most serious infringements of the competition rules.

As for the prohibition system, the length of the procedure varies considerably from one case to the next. The White Paper proposes the introduction of a four-month time-limit, at the end of which the Commission would inform complainants of the action it intended to take on their complaint. The only requirement that can be imposed on the rest of the procedure is that it be completed within a reasonable timeframe. The Community courts ensure that this requirement is met.

Under the system proposed in the White Paper, agreements that restrict competition and fail to meet the conditions laid down in Article 81(3) would be prohibited and rendered void *ab initio* without the need for a Commission decision. The victims of such restrictive practices would be able to claim damages in the national courts to compensate for the harm they had suffered. The Commission's proposed reform in no way affects the rights of victims to obtain damages.

⁽¹⁾ COM(1999) 101 final.

⁽²⁾ OJ 13, 21.2.1962.

(2000/C 170 E/160)

WRITTEN QUESTION E-1963/99

by Gerhard Hager (NI) to the Council

(9 November 1999)

Subject: Impact of the Schengen visa on competition

In recent years, it has become increasingly common among Austrian haulage companies to employ citizens from central and eastern Europe holding a six-month Schengen visa but no work permit as drivers for journeys within Europe for financial reasons. As a result of this common practice, Union citizens have found it increasingly difficult to find employment in this sector.

In view of this, can the Council answer the following questions:

1. Has the above-mentioned problem been discussed within the EU Council of Ministers?
2. Approximately how many people from central and eastern European countries are granted six-month Schengen visas both in Austria in particular and in the EU as a whole?
3. What measures does the Council consider to be appropriate to curtail this practice which is detrimental both to the labour market and to competition in the Union?
4. Has the Council investigated this matter?
5. Does the Council consider that this practice is compatible with EU competition law?
6. If not, what measures does the Council intend to take to curtail this practice?
7. If so, how does the Council justify its position?

Reply

(9 December 1999)

The Council is not aware of the practices mentioned by the Honourable Member.

The Council would draw the Honourable Member's attention to the fact that, for the purposes of the Schengen Convention, a visa for a stay of more than three months is a national visa issued by each Contracting Party in accordance with its own legislation.

(2000/C 170 E/161)

WRITTEN QUESTION P-1971/99

by **Kathalijne Buitenweg (Verts/ALE) to the Commission**

(19 October 1999)

Subject: Infringement of Directives 91/0628/EEC and 95/0029/EEC

In June 1998 the Netherlands Association for the Protection of Animals (Nederlandse Vereniging tot Bescherming van Dieren) carried out a detailed investigation into compliance with European Directives 91/0628/EEC⁽¹⁾ and 95/0029/EEC⁽²⁾ at the Italian border posts at Gorizia, Ferneti and Prosecco. It emerged from this investigation, which is supported by documentary evidence, that the directives were being flagrantly violated and the animals concerned appallingly ill-treated. It is clear from the fact that video recordings of similar incidents were made in the same places in 1994 and 1995 that this was not a one-off occurrence.

1. Does the Commission agree that Directives 91/0628/EEC and 95/0029/EEC are being most inadequately implemented at Italy's border posts?
2. What is the Italian Government doing to put an end to this scandalous state of affairs?
3. Is sufficient use being made of the possibilities offered by the Directives of withdrawing benefits and imposing penalties?
4. What is the ultimate sanction that can be used against the Italian Government if it fails to take appropriate steps to exercise controls over the implementation of the directives?
5. What steps does the Commission, in its capacity as guardian of the Treaties, propose to take?

⁽¹⁾ OJ L 340, 11.12.1991, p. 17.

⁽²⁾ OJ L 148, 30.6.1995, p. 52.