

# Procedure file

Basic information		
CNS - Consultation procedure Decision	1995/0811(CNS)	Procedure completed
EC/Poland Europe agreement: implementation for competition rules		
Subject 6.40.02 Relations with central and eastern Europe		
Geographical area Poland		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>RELA</b> External Economic Relations		21/06/1995
		ELDR <a href="#">DE CLERCQ Willy C.E.H.</a>	
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	<b>AFET</b> Foreign Affairs, Security and Defense Policy		22/06/1995
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy	V <a href="#">SCHROEDTER Elisabeth</a>	
		The committee decided not to give an opinion.	

Key events			
10/04/1995	Legislative proposal published	<a href="#">05929/1995</a>	Summary
12/06/1995	Committee referral announced in Parliament		
20/07/1995	Vote in committee		Summary
20/07/1995	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0182/1995</a>	
22/09/1995	Debate in Parliament		Summary
22/09/1995	Decision by Parliament	T4-0439/1995	Summary
16/07/1996	Act adopted by Council after consultation of Parliament		
17/08/1996	Final act published in Official Journal		
16/07/1998	End of procedure in Parliament		

Technical information	
Procedure reference	1995/0811(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC before Amsterdam E 000
Stage reached in procedure	Procedure completed
Committee dossier	RELA/4/06653

Documentation gateway					
Legislative proposal		<a href="#">05929/1995</a>	10/04/1995	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0182/1995</a> <a href="#">OJ C 269 16.10.1995, p. 0009</a>	20/07/1995	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0439/1995 <a href="#">OJ C 269 16.10.1995, p. 0196-0230</a>	22/09/1995	EP	Summary

Final act	
<a href="#">Decision 1996/817</a> <a href="#">OJ L 208 17.08.1996, p. 0024</a>	Summary

## EC/Poland Europe agreement: implementation for competition rules

By letter of 22 May 1995, the Secretariat-General of the Council forwarded to the European Parliament a draft Council and Commission decision concerning the position to be adopted by the Community within the Association Council established by the Europe Agreement between the European Parliament and Poland with regard to the adoption of the rules necessary for the implementation of Article 62(1)(i), (1)(ii) and (2) of that Agreement and of Article 8(1)(i), (1)(ii) and (2) of Protocol No 2 on ECSC products to that Agreement. The Council called on Parliament to give its opinion as quickly as possible on this draft decision, whose text stipulated that the Community's position within the Association Council should be determined in accordance with the corresponding provisions in the treaties establishing the three institutions. Articles 87, 228 and 235 of the TEU and Article 95 of the ECSC Treaty formed the appropriate legal basis for the implementation of the provisions concerning competition in businesses, due, in particular, to the inclusion in the text of the implementing rules of all types of mergers and acquisitions, including those that did not fall within the scope of Article 86 of the Treaty. Similarly, the decision established the procedures for cooperation between the competition authorities of the two parties and confirmed that the principles contained in the block exemption regulations in force in the Community should also be applied. Provision was made for a consultation procedure within the Association Council in the case of disagreement between these authorities. ?

## EC/Poland Europe agreement: implementation for competition rules

The REX Committee adopted the draft reports by Mr Willy DE CLERCQ and Mr Andr? SAINJON (ARE, F). These two drafts outlined the position the Community should adopt in the Association Council under the association agreements between the EU and Poland on the one hand and the EU and Hungary on the other. With the adoption of this draft, the Association Council would be in a position to ensure that the EU and Poland (for the EU-Poland association agreement) and the EU and Hungary (for the EU-Hungary association agreement) implement a similar competition policy and provide state aid on the basis of identical fundamental principles. The Association Council's draft decision related, in particular, to the fundamental principles of the competition policy, the relevant authorities, consultation and information procedures and cooperation on administrative procedures. With regard to the report by Mr Willy DE CLERCQ, the REX Committee asked that the conciliation procedure be initiated if the Council intended to depart from the text approved by Parliament. ?

## EC/Poland Europe agreement: implementation for competition rules

Referring to the content of the Europe agreements concluded with the CEECs on competition, particularly the agreements concluded with Poland and Hungary, Commissioner CRESSON stated that the Commission's new approach was based on the need to adopt the rules necessary to apply the provisions of the agreements on businesses and State aid within three years of the entry into force of the interim

agreements. She added that although the rules on businesses could be agreed without any great difficulty, the problem of State aid was more delicate as it entailed the application and introduction of a system of self-monitoring by the countries in question. In the case of Poland, the draft Decision sought to confirm the rules already adopted in January by the Joint Committee established under the Interim Agreement.

## EC/Poland Europe agreement: implementation for competition rules

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The European Parliament approved the proposed position. ?

## EC/Poland Europe agreement: implementation for competition rules

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**PURPOSE:** adopting the implementing rules necessary for the application of Article 63 (1) (i), (1) (ii), and (2) of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, and the rules implementing Article 8 (1) (i), (1) (ii) and (2) of Protocol 2 on ECSC to that Agreement. **COMMUNITY MEASURE:** Decision 96/1/EEC of the Association Council between the European Communities and their Member States of the one part, and the Republic of Poland, of the other part, of 16 July 1996. (96/494/Euratom, ECSC, EC). **CONTENT:** Cases relating to agreements between undertakings, decisions by association of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition as well as to abuses of a dominant position in the territories of the Community, or of Poland as a whole or in a substantial part thereof, which may affect trade between the Community and Poland, shall be settled according to the principles contained in Article 63 (1) and (2) of the Europe Agreement. Provisions in the Decision relate to the following: - Competence of both competition authorities; - Competence of one competition authority only; - Request for information; - Secrecy and confidentiality of information; - Block exemptions; - Merger control; - Activities of minor importance; - Association Council; - Negative conflict of competence. ?