

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 |
| | RELA External Economic Relations | | Appointed 21/06/1995 |
| | | | ELDR DE CLERCQ Willy C.E.H. |
| | Committee for opinion | | Rapporteur for opinion |
| | AFET Foreign Affairs, Security and Defense Policy | | Appointed 22/06/1995 |
| | | | V SCHROEDTER Elisabeth |
| Council of the European Union | ECON Economic and Monetary Affairs, Industrial Policy | | The committee decided not to give an opinion. |

| Key events | | | |
|------------|---|------------------------------|---------|
| 10/04/1995 | Legislative proposal published | 05929/1995 | 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 | A4-0182/1995 | |
| 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 | | 05929/1995 | 10/04/1995 | CSL | Summary |
| Committee report tabled for plenary, 1st reading/single reading | | A4-0182/1995 OJ C 269 16.10.1995, p. 0009 | 20/07/1995 | EP | |
| Text adopted by Parliament, 1st reading/single reading | | T4-0439/1995 OJ C 269 16.10.1995, p. 0196-0230 | 22/09/1995 | EP | Summary |

| Final act | |
|---|--|
| Decision 1996/817 OJ L 208 17.08.1996, p. 0024 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 not 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

The European Parliament approved the proposed position. ?

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

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. ?