

DRAFT

Address by Mr Borschette, Member of the Commission,
to the European Parliament on the Third Competition Report
(18 October 1974)

Although we are frequently sad to see that traditions are dying out, I am glad to be able to tell you that good traditions are also being created. Since your excellent idea in 1971, of asking the Commission to make an annual report on the development of competition policy, this is the third time that we have held a public debate on the subject, so that instead of a regular experience we are creating a genuine parliamentary convention, introducing into our political and democratic life a firm control over what the Commission is doing in an area where it assumed responsibilities of its own. I regard this as a very real success, to which the Commission can be considered to have made a major contribution, through the realistic and effective policy which it is pursuing. My belief is further strengthened by the fact that, when it adopted its Resolution on the Seventh General Report last May, the Parliament welcomed this action and is confirming its view today.

What the Parliament has said provides encouragement for further resolute work in this area and at the same time reminds us that much remains to be done. I am therefore going to answer the questions you raised, in the order in which they appear in your resolution.

Relationship between Community law and the legislation of the Member States

On 17 and 18 December there will be a conference of national experts on competition, to consider the problems arising from the parallel application of Community and national law on restrictive or abusive practices in the common market; the European Parliament rightly attaches great importance to this problem.

Where conflicts actually occur, the Court of Justice has already laid down two major guiding principles: the primacy of Community law and the need to guarantee that Community law is fully and uniformly applied throughout the common market. What this basically means is that a national authorization under national law may not go against a Community prohibition which, as the Treaty says, is intended to preserve undistorted competition in the common market; at the same time a national prohibition under national law may not conflict with the essence of a Community authorization given in a Decision or Regulation under Article 35(3), where the authorization is regarded as a necessary means of attaining the fundamental objectives of the Treaty.

To avoid divergences between Community and national law as far as possible, the Commission is proposing to lay down procedural rules so as to:

1. Improve the information available to the Commission on national proceedings, whether of an administrative nature or in the Courts;
2. Organize consultations between national and Community authorities to enable the Commission to give its opinion where there is a risk of conflict;
3. In the longer term, set up real cooperation between these different authorities so that Community competition law can be applied more fully and more uniformly.

By holding more frequent conferences of experts than in the past, the Commission feels that it has shown how much it wishes to develop general exchanges of ideas and cooperation with the relevant authorities in the Member States.

Consumer protection

It is a fact also that, in developing its competition policy, the Commission is constantly paying attention to the interests of consumers. Article 85(3) specifically refers to consumers, and exemption from the general prohibition on restrictive agreements depends on consumers' interests being protected. As for the general prohibition itself, the Commission is endeavouring to give priority to cases where consumer interests are seriously threatened.

As matters stand, the main objective of our economic policy being the fight against inflation, we must actively pursue our policy in relation to prices by using the facilities offered by effective competition. In fact, competition policy does not so much give us a means of acting directly on inflation, as of preserving the "fluidity" of the market, so that price competition can be given free play. This is the context in which I would set certain recent Commission Decisions under Article 85(1), and particularly:

- (a) The prohibition against implementation by the most important glass-container manufacturers in five Member States of an agreement entitled "Rules of Fair Competition", which in fact aimed to eliminate real competition on prices, rebates and terms of trade (IFTRA, 15 May 1974);
- (b) The fines inflicted on wall-paper manufacturers in one Member State for having collectively boycotted a dealer who refused to comply with the marketing rules laid down by the producers, in that he supplied self-service shops who were selling below the imposed prices (Groupement belge, 23 July 1974).

Selective distribution

Following discussions, both in the Commission itself and with national restrictive practices experts, a few basic principles have emerged concerning the problems arising for Community competition law, in relation to selective distribution arrangements in two industries:

- (a) the motor industry;
- (b) the perfumery industry.

In the motor industry, apparently, it has to be recognized that each consumer, as well as the public as a whole, wants every car to work properly, so that the need for close, and constant cooperation between producer and dealer means that not just anybody can aspire to be an authorized dealer. In any case, if the Commission is to authorize such an arrangement, the purchaser must be sure, not only that he can buy his car in any Community country, but also that he can have it repaired by any dealer.

On the subject of restricted distribution in the perfumery industry, the Commission has consulted both the trade and national experts from the Member States. I can tell you now at all events, that the mere fact that a luxury product is involved, by no means constitutes adequate reason for authorizing a selective distribution arrangement.

Whatever solution is adopted, and this applies both to the motor industry and to the perfumery industry, provision must be made for strict supervision over the way in which the distribution network operates, attention being paid both to price trends and to the way retailers are selected or turned down; in this manner abuses can be prevented.

The Commission has already informed your Committee on Economic and Monetary Affairs that the question of selective distribution will shortly be put before it for detailed discussion.

Patent licensing agreements

In the next annual report the Commission will certainly be able to follow up your request for a statement on the administrative practices which it proposes to follow when applying Article 85 to patent licensing agreements which contain clauses in restraint of competition. This topic will also be dealt with by the conference of restrictive practices experts next December. In general terms I would simply like to say that the Commission is convinced that legitimate patented goods must be allowed to move freely in the common market, which means prohibiting, under Article 85, all bans on sales in certain parts of the common market and all restrictions, having an equivalent effect, in licensing agreements. The Commission has already informed your Committee on Economic and Monetary Affairs that it will shortly be consulting it on this subject, and so I need say no more for the moment.

Freedom of internal trade and imports in the Community

The draft Resolution by your Economic Committee reminds us once again of the need to put an end to agreements between manufacturers and purchasers aimed at preventing the export of products within the Community.

I have already had occasion to say, here, that this has been one of the Commission's constant preoccupations since the notorious Grundig-Consten case. The purpose of the rules laid down concerning exclusive distribution agreements was precisely to organize the distribution of products within the common market so as to concentrate the agents' sales efforts on their areas of "principal responsibility", but without setting up barriers which would accord them "absolute protection". In the same way, systems of selective distribution cannot be organized on a national basis, which are in opposition to the aim of achieving a single market among Member States.

In this context I would like to refer to two recent cases which the Commission is dealing with at present. They concern books, newspapers and periodicals. This sector merits the Commission's special attention, because of its importance for the cultural and political education of the broadest categories of the population. The Commission will also try to analyse the origin and causes of the price distortions noted, between the various Community countries, as regards books and newspapers.

An in-depth survey has been launched, in order to appraise the production and distribution systems of these products, in the light of the competition rules in the Rome Treaty.

This survey has not been directed exclusively at the activities of any one group alone, but in this sector, one group does occupy a position of primary importance, as regards the distribution of and international trade in newspapers and books.

At present the survey, as such, is, to all intents and purposes, completed. We now have to assess the group's behaviour, in the light of the provisions of Articles 85 and 86.

The second case in this sector concerns the export of Dutch books to Belgium, which was reported to the Commission by Mr Vredeling, and involves export prohibitions imposed by several Dutch publishers on Dutch retail dealers. Their aim is ostensibly to protect the sales area allotted to their exclusive representatives in Belgium.

Contact has been made at trade level with the Association of Dutch Publishers, so that the problems can be dealt with rapidly. Maintenance of effective competition in a Community which is open to trade with the rest of the world, except for individual cases covered by commercial policy measures which are essential for competition, is another requirement of the policy which we are following.

It is for this reason that I shall be proposing to the Commission, in connection with various special cases, that it confirm, by means of decisions, the position of principle which it expressed in October 1972, in its Opinion on imports of Japanese products. Private agreements between undertakings, even if they are concluded for reasons of orderly marketing, must not escape the provisions of Article 85 of the EEC Treaty.

A position in line with the concept of an open Community has also been defended by the Commission in the matter of the ban on exporting to the common market, imposed on undertakings in non-member countries which produce goods under licence. By analogy, the imposition, on licensees, of maximum quotas for exports to the common market may also come under prohibition, by Article 85.

In all the international organizations in which it is represented, the Commission has spoken out in favour of free international trade, particularly as regards the developing countries.

Monitoring Dominant Positions

More and more markets are escaping the guiding mechanisms of effective competition owing to the position of strength occupied by certain undertakings. Since they are tempted to turn this to account, strict control of potential abuses on such markets by dominant undertakings, is becoming more and more necessary every day.

Examination of such situations raises legal and technical problems of great complexity. The de facto establishment of a dominant position and the precise market-sharing which this implies, often presents considerable difficulties, as a result. This has certainly been true of the principal cases under examination, pursuant to Article 86, by the competition department of the Commission. I should like to point out, however, that opening an inquiry does not mean that any infraction of Treaty rules is presumed. But I think that Parliament has a right to be informed of the main problems current in competition policy.

The inquiry conducted on IBM attracted the attention of the press and public opinion in particular. The purpose of this inquiry is to investigate certain actions by IBM in Europe, which have been reported to the Commission, and at the same time, to discover whether the complaints made against IBM in the United States are also applicable to its behaviour in Europe. In view of the importance of the data-processing field, and of IBM's position in that field, the Commission considers that a detailed analysis will have to be made.

As regards tranquilizers (Valium and Librium by the Hoffman-La Roche Group) the Commission is at present looking into the results of the studies carried out on market-sharing in the products in question, in order to determine the share of the market held by the Hoffman-La Roche Group.

In the Radio Luxembourg case the Commission is investigating the activity of this undertaking on the sheet music market, operating in the lee of the broadcasting institutes. 9

As a commercial radio station Radio Luxembourg occupies an important position in the music publicity sector. In this case, the conditions offered to music publishers for advertising the titles which they publish, will have to be assessed.

An investigation has also just been opened on a complaint, involving abuse of a dominant position, against the European branch of the American United Fruit Group, regarding the sale of "Chiquita" bananas.

With regard to State aid, I should simply like to point out that the Commission, at the end of 1973, informed the Council that it intended to formulate, for regional aid, coordination criteria valid for all the regions of the Community, and based on the criteria outlined in its communication to the Council of 1971.

The work which it undertook to this end suffered certain delays owing, on the one hand, to political difficulties connected with the situation in certain Member States, and, on the other hand, to the technical complexity of the problems which have first to be solved.

The Commission is now confident that it will be able to overcome these obstacles and to provide, before the end of this year, the general outline of a new system of coordination, which will take account of the difficulties experienced by all the development areas in the Community.

The Commission is also studying the possibility of publishing an inventory of State aid, in response to the wish expressed in the draft resolution put before you. As the Rapporteur points out, such a publication nevertheless raises a series of problems, to which a solution is being sought, particularly as regards personnel.

I do not wish to conclude without giving you some information on the measures taken by the Commission in the oil sector, measures referred to by your Committee on Energy in its opinion sent to your Economic Affairs Committee, whilst awaiting the results of the investigations.

The oil crisis which arose in November 1973 considerably altered the conditions governing competition on the market in petroleum products. In a press communiqué on 21 December 1973, the Commission warned the oil combines against various actions likely to constitute a breach of Articles 85 and 86 of the Treaty of Rome. The Commission undertook a general investigation of various oil companies and also an examination of complaints lodged by independent companies. Checks were carried out in some twenty companies in the Common Market. A general report will be prepared, upon completion of these investigations.

In one particular case, following charges lodged by independent distributors, the Commission recently sent complaints to eleven oil companies, which are subsidiaries of seven international groups, for having entirely or partially refused an independent company its normal supplies of petrol and, when the deliveries took place, for having imposed prices which, owing to the maximum prices prevailing in the Netherlands, prevented the independent company from functioning normally.

The proposed regulation on the control of company mergers is a source of concern to the Commission. I was able to announce to Parliament, before it voted on its Resolution on this matter, on 12 February of this year, that the Commission agreed to most of your amendments.

The Council, or rather its Working Party on Economic Questions, has already met twice, on 14 and 25 July, to examine the Commission's proposal. The next meeting is set for 29 October. I am sorry to note that the Council has not yet been able to begin discussion of the Articles. It has up to now confined itself to a general discussion in which the main problem raised has been that of consistency between national and industrial, social and regional policies, and the decisions which may be taken regarding mergers. I accept that this is a major problem, but it is one which is not limited solely to the field of competition and which has not hitherto raised any insurmountable difficulties. When all is said and done, the likelihood of serious discrepancies between Community policies and Member States' policies could not free the Community from the obligation to take action which appeared necessary at Community level. The present progress of the discussion in the Council leads me, however, to fear that the Council will be unable to observe the date of 1 January 1975 set for the application of this regulation,

a date which it itself laid down in its programme of work, concerning the Community industrial policy.

I wish to thank the Parliament once more for the support which it is again giving us in this Resolution, and I can assure it that, depending upon the progress of the Council's examination of the dossier, the Commission will re-examine the matter at the opportune moment. It will obviously consult you regarding the measures to be taken.

In conclusion, I would like to point out that, through your Resolution, we have managed to tackle a whole set of very important problems, and that we need have no fear that, one day, we may no longer have to deal with many variations on a known theme.

Brussels, 18 October 1974

SUMMARY OF THE ADDRESS BY MR. BORSCHETTE, MEMBER OF THE COMMISSION,
TO THE EUROPEAN PARLIAMENT ON THE THIRD SPECIAL REPORT ON THE
DEVELOPMENT OF COMPETITION POLICY (STRASBOURG, 18 OCTOBER 1974)

At the session held on 18 October, Mr. Borschette, Member of the Commission, addressed the members of the European Parliament on the development of competition policy. The following is a résumé of the main points in his address.

1. Relationship between the Community law and the legislation of the Member States

Mr. Borschette announced that on 17 and 18 December there would be a conference of national experts on competition, to consider the problems arising from the parallel application of Community and national law on restrictive or abusive practices in the Common Market. "To avoid divergences between Community and national law as far as possible, the Commission is proposing to lay down procedural rules so as to:

- (1) Improve the information available to the Commission on national proceedings, whether of an administrative nature or in the Courts;
- (2) Organize consultations between national and Community authorities to enable the Commission to give its opinion where there is a risk of conflict;
- (3) In the longer term, set up real co-operation between these different authorities so that Community competition law can be applied more fully and more uniformly."

2. Consumer protection

... "As matters stand, the main objective of our economic policy being the fight against inflation, we must actively pursue our policy in relation to prices by using the facilities offered by effective competition. In fact, competition policy does not so much give us a means of acting directly on inflation, as of preserving the 'fluidity' of the market, so that price competition can be given free play.

This is the context in which I would set certain recent Commission Decisions under Article 85¹."

¹See IP(74)85 - The Commission prohibits an agreement between European glass-container manufacturers, and IP(74)135 - The Commission prohibits the cartel of Belgian wallpaper manufacturers and imposes fines on its members.

3. Selective distribution

... "Following discussions, both in the Commission itself and with national restrictive practices' experts, a few basic principles have emerged concerning the problems arising for Community competition law, in relation to selective distribution arrangements in two industries:

- (a) the motor industry;
- (b) the perfumery industry.

In the motor industry, apparently, it has to be recognized that each consumer, as well as the public as a whole, wants every car to work properly, so that the need for close and constant co-operation between producer and dealer means that not just anybody can aspire to be an authorized dealer. In any case, if the Commission is to authorize such an arrangement, the purchaser must be sure, not only that he can buy his car in any Community country, but also that he can have it repaired by any dealer.

On the subject of restricted distribution in the perfumery industry, the Commission has consulted both the trade and national experts from the Member States. I can tell you now at all events, that the mere fact that a luxury product is involved, by no means constitutes adequate reason for authorizing a selective distribution arrangement.

Whatever solution is adopted, and this applies both to the motor industry and to the perfumery industry, provision must be made for strict supervision over the way in which the distribution network operates, attention being paid both to price trends and to the way retailers are selected or turned down; in this manner abuses can be prevented ..."

4. Patent licensing agreements

... "In general terms, the Commission is convinced that legitimate patented goods must be allowed to move freely in the Common Market, which means prohibiting, under Article 85, all bans on sales in certain parts of the Common Market and all restrictions, having an equivalent affect, in licensing agreements."

5. Freedom of internal trade and imports in the Community

... "Two recent cases are being dealt with by the Commission at present. They concern books, newspapers and periodicals. This sector merits the Commission's special attention, because of its importance for the cultural and political education of the broadest categories of the population. The Commission will also try to analyse the origin and causes of the price distortions noted, between the various Community countries, as regards books and newspapers.

An in-depth survey has been launched, in order to appraise the production and distribution systems of these products, in the light of the competition rules in the Rome Treaty.

Maintenance of effective competition in a Community which is open to trade with the rest of the world, except for individual cases covered by commercial policy measures which are essential for competition, is another requirement of the policy which we are following.

It is for this reason that I shall be proposing to the Commission, in connection with various special cases, that it confirm, by means of decisions, the position of principle which it expressed in October 1972, in its Opinion

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on imports of Japanese products. Private agreements between undertakings, even if they are concluded for reasons of orderly marketing, must not escape the provisions of Article 85 of the EEC Treaty..

In all the international organizations in which it is represented, the Commission has spoken out in favour of free international trade, particularly as regards the developing countries ..."

6. Monitoring dominant positions

... "The inquiry conducted on IBM attracted the attention of the press and public opinion in particular. The purpose of this inquiry is to investigate certain actions by IBM in Europe, which have been reported to the Commission, and at the same time to discover whether the complaints made against IBM in the United States are also applicable to its behaviour in Europe. In view of the importance of the data-processing field and of IBM's position in that field, the Commission considers that a detailed analysis will have to be made.

As regards tranquillizers (Valium and Librium by the Hoffmann-La Roche Group) the Commission is at present looking into the results of the studies carried out on market-sharing in the products in question, in order to determine the share of the market held by the Hoffmann-La Roche Group."

7. State aid

... "The work undertaken to formulate, for regional aid, coordination criteria valid for all the regions of the Community, and based on the criteria outlined in its communication to the Council of 1971, suffered certain delays owing, on the one hand, to political difficulties connected with the situation in certain Member States, and, on the other hand, to the technical complexity of the problems which have first to be solved.

The Commission is now confident that it will be able to overcome these obstacles and to provide, before the end of this year, the general outline of a new system of coordination, which will take account of the difficulties experienced by all the development areas in the Community..."

8. Position of the oil market

... "The oil crisis which arose in November 1973 considerably altered the conditions governing competition on the market in petroleum products. In a press communiqué on 21 December 1973, the Commission warned the oil combines against various actions likely to constitute a breach of Articles 85 and 86 of the Treaty of Rome. The Commission undertook a general investigation of various oil companies and also an examination of complaints lodged by independent companies. Checks were carried out in some 20 companies in the Common Market. A general report will be prepared, upon completion of these investigations.

In one particular case, following charges lodged by independent distributors, the Commission recently sent complaints to eleven oil companies, which are subsidiaries of seven international groups, for having entirely or partially refused an independent company its normal supplies of petrol and, when the deliveries took place, for having imposed prices which, owing to the maximum prices prevailing in the Netherlands, prevented the independent company from functioning normally..."

9. Control of mergers

"The control of company mergers is a source of concern to the Commission. The Council's Working Party on Economic Questions has already met twice, on 14 June and 25 July, to examine the Commission's proposal, and the next meeting is set for 29 October. I am sorry to note that the Council has not yet been able to begin discussion of the Articles..."

The present progress of the discussion in the Council leads me to fear that the Council will be unable to observe the date of 1 January 1975 set for the application of this regulation, a date which it itself laid down in its programme of work, concerning the Community industrial policy."

Bruxelles, le 18 octobre 1974

RESUME DE L'EXPOSE DE MONSIEUR BORSCHETTE, MEMBRE DE LA COMMISSION, DEVANT LE PARLEMENT EUROPEEN SUR LE 3EME RAPPORT SPECIAL SUR L'EVOLUTION DE LA POLITIQUE DE CONCURRENCE (STRASBOURG, LE 18 OCTOBRE 1974).

Au cours de la séance du 18 octobre, M. Borschette, Membre de la Commission a fait aux membres de l'Assemblée, l'exposé spécial sur l'évolution de la politique de concurrence, dont voici le résumé des points essentiels.

1. Rapport entre le droit communautaire et les législations nationales

M. Borschette a annoncé que les problèmes soulevés par l'application parallèle possible du droit communautaire et des législations nationales à des pratiques restrictives ou abusives réalisées dans le Marché Commun, seront examinés les 17 et 18 décembre prochains par une conférence des experts nationaux des Etats membres en matière de concurrence.

"Pour éviter le plus possible les divergences dans l'application du droit communautaire et des droits nationaux, la Commission envisage de proposer dans une première phase des règles de procédures qui tendraient à obtenir :

- 1) une amélioration des informations de la Commission concernant les procédures nationales tant des autorités administratives que des tribunaux;
- 2) une organisation des consultations entre autorités nationales et communautaires permettant la formulation d'avis de la Commission en cas de risques de conflits;
- 3) l'installation à plus long terme d'une véritable coopération entre ces différentes autorités en vue d'une mise en oeuvre plus complète et plus uniforme du droit communautaire de la concurrence."

2. Protection des consommateurs

..."Dans les circonstances actuelles où l'objectif prioritaire de la politique économique demeure la lutte contre l'inflation, une politique active doit être poursuivie notamment en matière de prix, en s'appuyant sur les mécanismes d'une concurrence efficace. En fait, la politique de concurrence ne permet pas tant de lutter directement contre l'inflation que de maintenir la "fluidité" des marchés pour que puisse jouer la concurrence de prix.

C'est dans cette perspective que je situerai des interventions récentes de la Commission au titre de l'article 85(⌘).

(⌘) Voir IP(74) 85 - La Commission interdit une entente entre fabricants européens d'emballages en verre et IP(74) 135 - La Commission interdit le groupement belge des fabricants de papier peint et condamne ses membres à des amendes.

3. Distribution sélective

... "A la suite des délibérations menées à l'intérieur de la Commission et avec les experts nationaux en matière d'entente, certaines orientations de base ont pu être arrêtées en ce qui concerne les problèmes posés au regard du droit communautaire de la concurrence par les systèmes de distribution sélective pratiqués dans deux secteurs :

- le secteur automobile,
- le secteur de la parfumerie.

En ce qui concerne le secteur automobile, il semble qu'il faille reconnaître, dans l'intérêt personnel de chaque consommateur au bon fonctionnement de son véhicule comme dans l'intérêt général, que la nécessité d'une collaboration étroite et constante entre le producteur et le revendeur exclut que tout un chacun puisse prétendre au statut de revendeur autorisé. De toute façon, pour que la Commission puisse autoriser un tel système, l'acheteur doit être sûr non seulement de pouvoir acheter sa voiture dans n'importe quel pays de la Communauté, mais encore doit-il pouvoir la faire réparer chez le concessionnaire de son choix.

En ce qui concerne le problème de la distribution restreinte dans le secteur de la parfumerie, la Commission a également consulté la profession ainsi que les experts des Etats membres. De toute façon, je peux déjà indiquer que le seul fait qu'il s'agisse d'un produit de luxe n'est certainement pas suffisant pour autoriser un tel système.

Tant dans la solution à intervenir dans le secteur automobile que dans celle envisagée pour celui de la parfumerie, il convient d'ailleurs de prévoir un contrôle strict du fonctionnement des systèmes de distribution portant sur l'évolution des prix et l'agrégation ou l'exclusion de revendeurs, de façon à éviter tout abus...."

4. Les accords de licences de brevets

.... "En ligne générale pour la Commission il ne fait pas de doute que les produits brevetés non contrefaits doivent pouvoir circuler librement dans le Marché Commun, ce qui veut dire que toutes les interdictions de vendre dans certaines parties du Marché Commun et toutes les restrictions ayant un effet équivalent qui seraient incluses dans les accords de licences sont interdites par l'article 85".

5. Liberté des échanges intérieurs et des importations dans la Communauté

.... "Deux affaires récentes retiennent actuellement l'attention de la Commission. Elles concernent le secteur des livres, journaux et périodiques. Ce secteur mérite l'attention toute particulière de la Commission du fait de son importance pour la formation culturelle et politique des classes les plus larges de la population. La Commission s'efforce également d'analyser les origines et les causes des distorsions de prix constatées entre les différents pays de la Communauté pour les livres et pour la presse.

Une enquête approfondie a été ouverte afin d'apprécier les mécanismes de production et de distribution de ces produits au regard des règles de concurrence du Traité de Rome.

Le maintien d'une concurrence efficace dans une Communauté ouverte aux échanges en provenance du reste du monde, à l'exception des seuls cas couverts par des mesures de politique commerciale qui s'imposent à la concurrence, est également un impératif de la politique que nous poursuivons.

C'est ainsi qu'à propos de différents cas particuliers, je proposerai à la Commission de confirmer par des décisions la position de principe qu'elle a exprimée en octobre 1972 dans son avis relatif à l'importation des produits japonais. En effet, les accords privés entre entreprises, même s'ils sont conclus pour promouvoir une "discipline de marché" ("orderly marketing") ne doivent pas échapper à l'application de l'article 85 du Traité CEE....

Dans toutes les organisations internationales où elle est représentée, la Commission a plaidé en faveur de la liberté dans les échanges internationaux, notamment en ce qui concerne les pays en voie de développement."...

6. Surveillance des positions dominantes

...."L'enquête menée sur le comportement de l'entreprise I.B.M. a spécialement retenu l'attention de la presse et de l'opinion. Elle vise à vérifier certains comportements d'I.B.M. en Europe, signalés à la Commission, en même temps qu'à constater si les griefs retenus contre I.B.M. aux Etats-Unis se retrouvent aussi dans son comportement en Europe. Compte tenu, d'une part, de l'importance du domaine de l'informatique et, d'autre part, de la position qu'y détient I.B.M., la Commission estime qu'une analyse approfondie s'impose.

En ce qui concerne les tranquillisants (Valium et Librium du Groupe Hoffmann-La Roche), la Commission examine, pour le moment, les résultats des études effectuées sur la délimitation du marché des produits en cause, afin de déterminer la part détenue par le Groupe Hoffmann-La Roche.

7. Aides d'Etat

...."Les travaux en vue de définir, pour les aides à finalité régionale, des principes de coordination valables pour l'ensemble des régions de la Communauté et s'inspirant de ceux définis dans sa communication au Conseil de 1971, ont subi certains retards; en raison, d'une part, de difficultés politiques tenant à la situation de certains Etats membres et, d'autre part, de la complexité technique des problèmes qu'il y a lieu préalablement de résoudre.

La Commission a maintenant bon espoir de pouvoir surmonter ces obstacles et d'être en mesure, avant la fin de cette année, de définir les grandes lignes d'une nouvelle solution de coordination qui tiendra compte des difficultés connues par toutes les régions de développement de la Communauté..."

8. Situation du marché pétrolier

...."La crise pétrolière ouverte en novembre 1973 a profondément modifié les conditions de concurrence sur le marché des produits pétroliers. La Commission, par une communication de presse du 21 décembre 1973, a mis en garde les compagnies pétrolières intégrées contre différents agissements susceptibles d'être en infraction avec les articles 85 et 86 du Traité de Rome. La Commission a entamé à la fois une enquête de caractère général auprès de différentes entreprises pétrolières et l'instruction de plaintes déposées par des sociétés indépendantes. Des contrôles ont été effectués auprès d'une vingtaine d'entreprises dans le Marché Commun. Un rapport général sera établi à l'issue de ces enquêtes.

Dans un cas d'espèce, à la suite de plaintes déposées par des distributeurs indépendants, la Commission a envoyé récemment des griefs à 11 entreprises pétrolières dépendant de 7 groupes internationaux, pour avoir refusé totalement ou partiellement d'approvisionner en essence-moteur une société indépendante et quand ces livraisons ont eu lieu, en lui imposant des prix qui, compte tenu des prix maxima existant aux Pays-Bas, ne lui permettaient pas d'exercer normalement son activité....".

9. Contrôle des concentrations

"Le contrôle des concentrations d'entreprises est un sujet de préoccupation pour la Commission.

Le Groupe des questions économiques, du Conseil, s'est déjà réuni deux fois, les 14 juin et 25 juillet, pour examiner la proposition de la Commission sur la prochaine réunion fixée au 29 octobre. Je constate avec regret que le Conseil n'a pas pu entamer la discussion des articles.....

L'état actuel de la discussion au sein du Conseil me fait craindre que le Conseil ne sera pas en mesure de respecter la date du 1er janvier 1975 pour l'application de ce règlement, date qu'il s'était lui-même fixée dans son programme de travail concernant la politique industrielle de la Communauté".

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