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The role of competition policy today

by Mario Monti, Member of the European Commission

Companies do not necessarily react to a more competitive environment by improving their efficiency or the quality of their products. They could also attempt to reduce the competitive pressure either by engaging in tacit collusion or by forming cartels. Alternatively, they could seek State aid in order to gain an advantage over competitors.

Mergers and restructuring operations

A higher degree of competition will put pressure on less performing companies and on sectors already suffering from structural problems. Also, wider markets will offer new opportunities for exploiting economies of scale. Within this framework, we are likely to witness many restructuring operations and an increase in the number of cross-border mergers and acquisitions. Actually, a wave of mergers is expected in the next few years similar to the one observed during the establishment of the single market. We already had an indication of this in 1997 and 1998: in those two years the number of notifications lodged within the services of the Commission increased by 31% and 36%, respectively. In 1998, the Commission had to adopt an unprecedented number of decisions: 238.

In the field of mergers it is the duty of competition authorities to prevent dominant positions from being created or reinforced, while still allowing firms to innovate and react quickly to the changing market place. Also, we have to impede the establishment of tight oligopolies.

Cartels and agreements

In an attempt to reduce the level of competition, incumbent firms might enter into vertical or horizontal agreements with the object of foreclosing rivals' markets. Companies in oligopolistic industries could be tempted to engage in tacit collusion or to form cartels. This conduct will be made easier by the introduction of the euro as the increased price transparency will facilitate the monitoring of competitors' prices. It will also be more difficult to deviate from agreed prices and hide this fact behind exchange rate fluctuations.

It is the responsibility of the Commission to challenge these practices. During 1998, the Commission showed its determination in pursuing prohibited agreements between firms. Four cases were the subject of a final decision in the year, while new procedures were set in course. The total amount of fines imposed in those four cases is EUR 178.83 million.

State aid

As a general rule, the Commission takes the view that State aid contributes very little to lasting economic welfare. On the contrary, experience has shown that it leads to unfair competition between firms and to market distortions. It also puts at risk the achievements of the single market when its effect is to increase barriers to trade. The only benefits of State aid are, under precise conditions and strict monitoring, to remedy market imperfections. For example, we permit various aid programmes to small businesses, in order to 'level the playing field' and help them compete. Similarly regional aid and support for research and environmental programmes can, in certain circumstances, be useful in remedying market imbalances and achieving other policy objectives, such as economic cohesion.

Sometimes it is said that competition can favour larger firms but hurt smaller businesses. I do not share this view. Greater competition in the financial sector or in the utilities sector already benefits smaller customers, which suffer most from suppliers' market power and restrictive practices. Enhanced competition in one sector will have positive slipover effects in other sectors. Competition forces will call upon governments to improve the quality of public services and the efficiency of public administration. All this is in the general interest.

■ A quicker changeover to euro in 2002

Once euro coins and banknotes have been introduced on 1 January 2002, they should replace the coins and banknotes of individual Member States within two months at most. A common statement along these lines was adopted on 8 November by the finance ministers of the 11 European Union (EU) countries who have taken part in the euro since 1 January 1999. Under EU regulations, national coins and banknotes will remain legal tender until 30 June 2002 at the latest, with each government setting the date for the definitive withdrawal of its national currency. Concerned to speed up the use of euro coins and notes, the finance ministers have noted in their common statement that the period of dual circulation of old and new notes and coins will last between four weeks and two months. From the beginning of March 2002, governments will facilitate the exchange of any national notes and coins still in circulation. In fact, they will do their best to ensure that the bulk of cash transactions can be made in euro by mid-January 2002. The ministers also feel that banks, retailers and transit companies should be provided with euro notes and coins before 1 January 2002, in order to ensure that they are in circulation in sufficient quantity during the first days of January. The ministers agreed that Member States should make limited quantities of coins available to the public in the second half of December 2001, so that such vulnerable groups as the elderly and the blind can familiarise themselves with the new coins. The countries which belong to the euro area include Belgium, Germany, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal and Finland.

■ Socrates II: a more European education

Student and pupil exchanges and cooperation between European countries in education, which have been taking place for several years now, will continue over the period 2000–06, thanks to the Socrates II programme. The European Parliament and EU Council of Ministers reached agreement on 10 November on the contents of the programme and its financing, amounting to EUR 1.85 billion in all (EUR 1 = GBP 0.63 or IEP 0.79). They should adopt it definitively before the end of December. Socrates II has three basic sections: Erasmus, Comenius and Grundtvig. Erasmus, with 51 % of the total budget, promotes cooperation between universities, as well as an exchange of students and teachers in higher education; it also facilitates the academic recognition of study periods in one EU country by another. Comenius, which has 27 % of the budget, promotes cooperation between schools, improved professional development of teachers and the learning of languages. Grundtvig, with 17 % of the total budget, helps those who have left school without adequate training to resume their studies. Socrates II will support other activities, particularly distance learning, the development of innovative methods and the use of new technologies. Roughly 500 000 students and some 10 000 schools took part in Socrates I.

■ Recognising electronic signatures

Soon electronic signatures certified in one EU Member State will be recognised throughout the single market, thus making possible the free movement of services, particularly e-commerce, over the Internet. The EU Council of Ministers adopted on 30 November a directive which provides a legal framework for electronic signatures. As a result, they will be just as valid as written signatures, even as proof in legal proceedings. By means of certificates delivered by companies or by specialised bodies, electronic signatures make it possible to identify the signatory of a message sent over a network such as the Internet, thus guaranteeing the security of the communications in question. The directive provides for checks by certification bodies in their country of origin, and establishes the responsibility of electronic service providers. But it does not prejudge the technology used for preparing digital signatures. The directive also authorises the operation of private electronic signature systems, such as company networks or intranets and banking systems. In order to take the global dimension of the Internet into account, the new mechanism contains provisions for cooperation with non-EU countries, covering the mutual recognition of certificates and bilateral and multilateral agreements.

■ Workers posted to another country

The social legislation of the country of employment applies to workers temporarily posted to another EU country, if it is more favourable than that of the country in which the company which employs them is based. But the authorities of the country of employment must not hamper the freedom to provide services within the European single market through formalities, if the workers in question benefit from equivalent social protection in the country of their employer. This is how the European Court of Justice clarified the situation of posted workers, in a ruling handed down on 23 November, in a case arising from proceedings launched by the Belgian authorities against two French construction companies carrying out work in Belgium. The Belgian social law inspectorate had asked them to provide the documents normally provided by firms in Belgium. But the French companies regarded the demand as unjustified, given that they were in conformity with French laws. The European Court held that the national judge must check to see that the temporarily posted workers enjoy social protection equivalent to that of their colleagues working in the country of employment.

■ Areas entitled to aid in six countries

In order to set up the system of regional aid to be implemented from 2000 to 2006, the European Commission adopted, for six countries in all, the first maps or lists of areas entitled to European or national aid. As regards the areas undergoing social and economic conversion – the so-called Objective 2 areas – the Commission adopted on 26 October lists for four countries entitled to EU aid. They are Belgium, Denmark, the Netherlands and Finland. The areas in question in Belgium have 1.27 million inhabitants, in Denmark 538 000, in the Netherlands 2.33 million and in Finland 1.58 million. On 24 November the Commission adopted the list of areas undergoing socioeconomic conversion in Germany; they cover 12.6 % of the total population, as against 18.9 % during the period 1994–99. The Commission also approved on 26 October the first national lists of regions where large firms could be eligible for national or European State investment aid. They are Denmark, Ireland and Finland. The entire Irish population is covered, as before; some 20 % of the Danish population, as against 17.1 % previously, and 42.2 % of the Finnish

THE CUSTOMS UNION (I)

A foundation of the Union and an essential element of the single market

The customs union is an essential element of the European Union's single market with its four basic freedoms: the free circulation of goods, persons, services and capital. This single market with 370 million consumers is the largest in the industrialised world. The single market with no internal economic frontiers is the catalyst for the economic integration of the European Union. Thus the effects of the Community's customs union are far-reaching.

To set up, develop and run a single common market, where goods freely circulate everywhere, this can only be done within the framework of a customs union where common rules exist at its external borders. A customs union is a secure basis for highly developed integration. Without the Community's customs union the European Union's common commercial and development policy, its common agricultural market and an effective coordination of economic and monetary policies would not be possible.

EUROPEAN CUSTOMS AND THE COMMUNITY AIMS

- to foster world trade;
- to promote fair trade;
- to increase the attractiveness of the EU as a location for industry and trade and contribute to the creation of new jobs;
- to promote development elsewhere;
- to assist the candidates for accession in their future role;
- to ensure protection for the Community's citizens and business in all areas involving imports or exports in a clear, uniform, simple way as efficiently as possible;
- to 'ring-fence' the single market, securing the maximum benefit from it for everybody;
- to facilitate a practical system to collect revenue, customs duties, VAT and excise duties;
- to collect essential statistics on trade.

The development of the customs union

The early years

It all started in 1958 when the first six Member States created what was to become the European Union. One of the first steps was to create a tariff union so as to be able to abolish all customs duties on trade between the Member States. All the Member States agreed to merge their separate and very different tariffs into a single one for the European Community as a whole. A customs union in the making!

The tariff union was completed in 1968: all customs duties and restrictions among the six founding Member States of the Community were eliminated and the Common Customs Tariff – an external tariff which applies to third country goods – was introduced. The 'new export opportunities' created by the abolition of internal tariffs gave a boost to the economies of the Member States. Trade increased between Member States leading to market optimism and investment growth in the Community. Consumers benefited from the availability of a wider range of goods and reduced prices. Whilst trade grew threefold between 1958 and 1972, intra-Community trade exploded by a factor of nine for the same period.

The middle years, 1968–93

Customs legislation, beyond that essential to a tariff union, was progressively created in order to ensure that wherever goods were imported into the Community, they were not only subject to the same tariff rules but also to the same customs provisions to ensure that the tariff was applied in the same way everywhere. Common origin rules, warehousing procedures and all the other instruments were hammered out. One culminating step was the single administrative document (SAD). In 1988 a major step was taken for the simplification of customs procedures. The SAD was established as a declaration form which replaced 150 separate documents previously used by the customs administrations in the Member States!

A CUSTOMS UNION OR A FREE TRADE AREA?

There are several different degrees of customs integration and of organising economic cooperation. Two common ones are customs unions and free trade areas. How do they differ? Why one and not the other?

A **free trade area** is used when countries wish to bring together their economies but not to integrate them or turn them into a single economy.

Some free trade areas include the European Economic Area (EEA) and European Free Trade Association (EFTA), and the North American Free Trade Agreement (NAFTA) between the USA, Canada and Mexico, Mercosur in Latin America and Caricom in the Caribbean.

- The aim is to partly, or in the end, to totally, eliminate customs duties and restrictions to trade between them.
- But, as each member of a free trade area keeps its own customs tariff and commercial policy in force towards outsiders, rules are needed to determine which goods inside the area can move freely from one member country to another: basically origin rules.
- Customs procedures have to be kept for consignments crossing the internal borders to see if the rules are met.

A **customs union** goes further, and

- aims at economic integration with no internal border restrictions (but different internal sales taxes hinder this);
- all members of a customs union apply a common customs tariff and commercial policy towards third country goods so no rules are needed to determine which goods inside the union can move freely and no origin rules are needed;
- thus no internal frontiers are needed for customs or external trade purposes.

A common customs tariff enables the application of common policies vis-à-vis non-members. The economic integration within the customs union can be far-reaching.

At the same time other trade laws were needed and introduced to turn the tariff union into a real customs union.

The recent past

The single market entered into force in 1993, really ensuring the four basic freedoms: free circulation of goods, persons, services and capital in a frontier-free internal market. This single market abolished the role of customs collecting excises/VAT between the Member States and allowed the real customs union underlying the Community to become apparent to all.

In 1994 the Customs Code consolidated all of the Community customs legislation into a single text and set up a framework for the Community's import and export procedures. The underlying principle was that the procedures should avoid the interruption of trade flows by establishing the right balance between the freedom of trade and the responsibility of traders on the one side and the necessity of control on the other [1].

[1] The second part of this article will appear in a subsequent issue.

eurostat

KEY FIGURES

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Housing conditions of elderly people in the EU

Elderly people living alone less likely to be owner-occupiers

In most of the Member States in 1995 the proportion of owner-occupiers among the elderly was close to the figure for the population as a whole. Throughout the EU more than two-thirds of elderly couples and 50 % of elderly people living alone own their accommodation. The figure for all types of household in 1995 was 59 %.

Percentage of elderly households owning accommodation, 1995

Percentage of elderly households owning accommodation, 1995

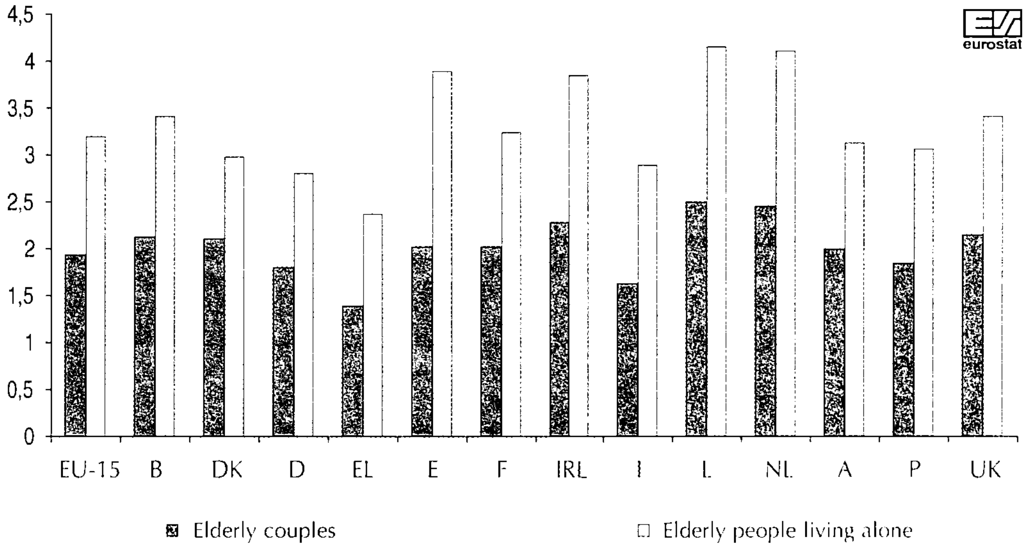
	EU-15	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	UK
A	59	68	51	41	88	80	65	87	75	74	30	44	63	59
B	68	78	74	52	91	83	77	93	80	82	40	57	67	71
C	50	56	33	31	84	76	52	81	70	64	21	35	55	50

A: Elderly households; B: Elderly couples; C: Elderly people living alone.

Four rooms on average for each elderly couple

In 1995 elderly couples had 1.93 rooms per person, while elderly people living alone had accommodation comprising 3.19 rooms. In most countries elderly people living alone had on average more living space than young people in the same situation. The average for the population as a whole was 1.89 rooms per person.

Average number of rooms per person, 1995



Average number of rooms per person, 1995

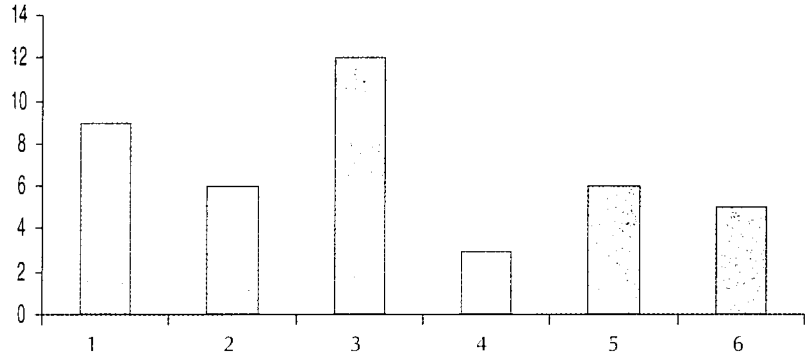
	EU-15	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	UK
A	1,93	2,12	2,1	1,81	1,39	2,02	2,03	2,29	1,64	2,51	2,45	2	1,85	2,16
B	3,19	3,41	2,98	2,81	2,38	3,89	3,23	3,85	2,9	4,15	4,11	3,13	3,07	3,42
C	1,89	2,12	2,06	1,86	1,34	1,74	1,93	2,05	1,6	2,11	2,61	1,91	1,55	2,19

A: Elderly couples; B: Elderly people living alone; C: All households.

Elderly people more likely to lack basic amenities

For the EU as a whole, 5 % of households lacked basic amenities. Elderly people tend to live in old accommodation where these amenities are more likely to be lacking (9 %). Elderly people living alone were worse off than elderly couples; 12 % of them lacked at least one basic amenity, while the figure for couples was 6 %.

Percentage of households lacking at least one of three basic amenities, EU-15 (1), 1995



1: Elderly households
2: Elderly couples
3: Elderly people living alone
4: Young couples without children
5: Young people living alone
6: All households

Percentage of households lacking at least one of three basic amenities, 1995

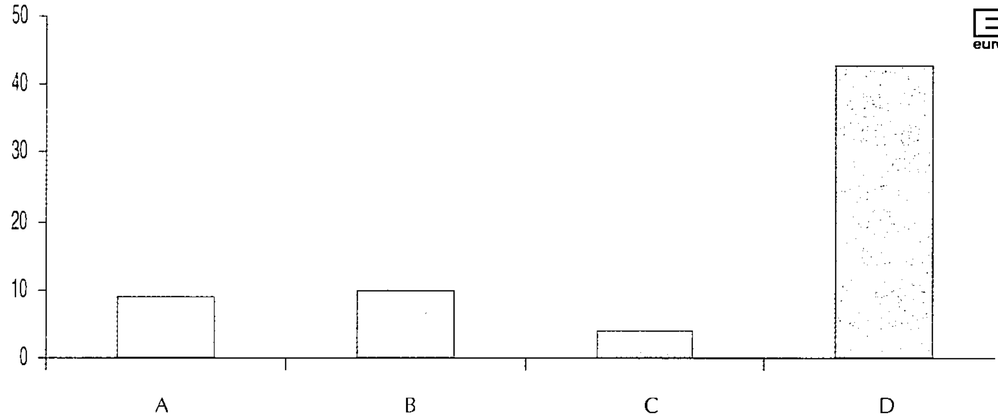
	EU-15	B	DK	D	EL(2)	E	F	IRL	I	L	NL	A	P	UK
A	9	15	3	11	:	11	12	14	8	8	2	14	41	1
B	6	10	1	8	:	10	7	8	4	5	2	10	34	0
C	12	21	4	14	:	12	16	21	13	10	2	16	54	2

A: Elderly households; B: Elderly couples; C: Elderly people living alone.
1: EU-15 : excluding Finland and Sweden; 2: ":" data not available.

In most Member States housing accounted for the largest share of household expenditure

Housing costs were lower for elderly couples, however, since most of them owned their property or had already paid off their mortgages. In the case of elderly people living alone, on the other hand, only 50 % were owner-occupiers and 4 % of them were still making mortgage repayments.

Owner-occupiers with mortgage in relation to all owner-occupiers, EU-15 (1), 1995 (%)



A: Elderly households B: Elderly couples
C: Elderly people living alone D: All households

1: EU-15 : excluding Finland and Sweden.

Owner-occupiers with mortgage in relation to all owner-occupiers, 1995 (%)

	EU-15	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	UK
A	9	2	59	10	3	4	6	6	3	4	36	13	3	8
B	10	2	64	11	5	5	8	8	4	6	44	12	3	13
C	4	1	51	8	1	3	4	3	2	1	23	14	1	2

A: Elderly households; B: Elderly couples; C: Elderly people living alone.

NB: see Statistics in Focus, Population and Social Conditions No 14/1999, for methodological notes.

population, as against 41.7 % previously. The scale of aid now authorised is lower in each of the three countries, calculated as a proportion of the investment which can be financed from public funds.

☐ IN BRIEF

The governments of EU Member States can **limit**, up to a certain point, **advertising breaks** in films broadcast by television companies which are under their control, the European Court of Justice noted in a ruling handed down on 28 October. The case pitted three German commercial television companies against the country's leading public television company, ARD, over the method of calculating the number of advertising breaks allowed under the German law implementing the EU's 'television without frontiers' directive. The Court held that while such breaks must be included when calculating the number of broadcasting periods provided for by the directive, a national law can require calculations which excludes advertising breaks.

Greece's State finances no longer show a substantial deficit. This was officially acknowledged by the EU Council of Ministers on 29 November, when it decided to abrogate its 1994 decision, ascertaining a deficit, which it had renewed annually. The deficit for 1999 had been estimated at 1.9 % of the country's gross domestic product (GDP). This is well below the 3 % ceiling provided for in the Maastricht Treaty for participation in the euro. The Council will make a statement before the end of the year 2000 on the question of whether Greece is meeting all the criteria for participation in the euro.

The tax authorities of a Member State cannot discriminate between EU countries, when deciding whether or not to treat expenditure on **training courses** as the professional expenses of the employee who took them. In a ruling dated 28 October, the European Court of Justice held that the Danish practice of only taking into account training courses given in a Danish tourist spot was contrary to EU rules. The Court thus found in favour of a Danish company auditor who had taken part in a seminar in Greece.

The **new guidelines for State aid to agriculture**, adopted by the European Commission on 24 November, apply from 1 January 2000. Member States have a year in which to conform to them. The guidelines replace numerous EU regulations, directives and decisions. They are based on the principle that State aid must be compatible with the EU's common agricultural policy and WTO rules.

National legislation – Italian in this particular case – which reserves the right to take **bets on sporting events** to certain organisations is allowed in the European single market under certain conditions, which must be verified by a national court. The law must be applied without discrimination on grounds of nationality, have the public interest – consumer protection, for example – as its justification, and relate to its objectives. A ruling to this effect was handed down by the European Court of Justice on 21 October, in a case involving an Italian betting intermediary and the police chief of his city, Verona.

IMPROVING THE SINGLE MARKET

Making the single market more useful and handy for European Union (EU) consumers, citizens and businesses is the main goal of the strategy for the next five years presented by the European Commission on 24 November. Taking as its starting point the guidelines it proposed in October, and the reactions of the European Parliament, EU Council and interested European organisations, the Commission has submitted some 100 target actions, including 30 new initiatives, to be implemented over the next 18 months. The four main objectives are unchanged. They are improving the quality of life of citizens, reinforcing the efficiency of the EU's goods and capital markets, improving the business environment, and exploiting the achievements of the single market on world markets. Among the new initiatives in favour of citizens is the proposal for a common format for residents' permits and European passports, as well as measures aimed at improving the recognition of professional qualifications. New actions of interest to consumers will range from food safety to access to the courts and include the fight against excessive debt. The Commission proposes improving the business environment by modernising the system of excise duty – the special taxes on oil products, tobacco and alcohol. The five-year programme also includes the compatibility of VAT to e-commerce and the access of computerised communications services to cable networks.

● For a 'single' European sky

On the analogy of a single market and a single currency, the European Commission has proposed the creation of a 'single' European sky, to deal with the growing delays to scheduled flights in recent years. The proposal was submitted to EU Member States on 1 December. Pending this outcome, the Commission has suggested a number of measures, to be taken as a matter of urgency, principally by the national authorities, who have basic responsibility in this matter. While delays of more than 15 minutes are increasing, the expected rise in air traffic could only worsen the situation in future. The economic cost has already been put at over EUR 5 billion. More than half the delays are a direct result of Europe's airspace reaching saturation point. The peak summer period now lasts three to four months. The fact is that there are 15 national airspaces still in the EU, managed independently of each other, despite the existence of Eurocontrol, a European air traffic control organisation with limited competence. In addition, civil aircraft use narrow air lanes, the major part of European airspace being off-limits to them for military reasons. In the longer term the Commission recommends establishing collective management of Europe's airspace. This should make it possible for sectors to be subdivided and traffic lanes to be managed regardless of national frontiers. The Commission also recommends the EU's membership of Eurocontrol, the European agency for air control. For the time being, it is asking Member States to allow Eurocontrol to take emergency measures before the summer.

● Towards a more integrated rail network

Despite the railway measures already taken by the EU, many technical differences still exist between the various national railway systems. The result is an enormous loss of time and/or money. Even the high-speed train 'Thalys' Paris–Brussels–Amsterdam/Cologne, costs 60 % more than its conventional national equivalent. The situation is worse for conventional trains; and in the case of goods trains, delays and stops at national frontiers simply pile up. This is why the European Commission proposed on 25 November a directive aimed at ensuring interoperability – that is, the trouble-free operation of conventional trains throughout the EU. It has set out a number of priorities, such as signalling and the use of information technology to exchange data. The Commission recommends the creation of a trans-European rail network for freight. At the same time it is studying bottlenecks on the railways, in order to propose their elimination. These bottlenecks include the Brenner, on the line between Italy and Austria, and the stretch between Belgium and Germany, on the one hand, and the Netherlands on the other. Lastly, the Commission has modified its proposals changing the rules as regards competition and rail safety, in order to take into account the views of the European Parliament and EU Council. It is proposing in particular a European operating licence, and safety checks to be carried out by an independent body.

● Electronic communications

The European Commission on 10 November proposed a single legal framework for all the information society's electronic communications, from computers to digital television and telecommunications, in a number of papers. After looking at the way in which existing European regulations have worked, the Commission would like to simplify them, open up markets to yet more competition, in order to bring down prices even further, and to facilitate the creation of new services. The aim in particular is to open up access at the local level, the part of the fixed network which is closest to the user, in order to bring down the cost of using the Internet. In this priority area the Commission adopted on 24 November a recommendation aimed at bringing down the rates of leased lines, and it plans to intervene if necessary, using competition policy. The choice of the mobile telephone operator for each communication is also on the agenda for the proposed new framework. The Commission has also proposed the introduction of a European regulatory framework for radio frequencies. It plans to submit detailed proposals to the European Parliament and EU Council towards the middle of the year. The papers in question are on the Internet (http://europa.eu.int/comm/dg13). Interested companies and individuals can send their comments to (99review@cec.eu.int) before 15 February.

○ IN BRIEF

Victims of discrimination in employment and at the workplace would be able to turn to the courts throughout the EU, in order to assert their rights, under the terms of a directive proposed by the European Commission on 25 November. The proposal covers discrimination on grounds of race, ethnic origin, religion, personal convictions, age, disability or sexual orientation. Another directive proposed by the Commission at the same time would ban discrimination on the basis of race or ethnic origin in education, training, social protection and the provision of goods and services.

The European Commission launched on 16 November consultations over a new **capital adequacy framework for banks and investment companies**, which would adapt the regulation to changes in the market. The text can be consulted on the Internet (http://europa.eu.int/comm/dg15/en/finances) and comments can be sent to (john.mogg@cec.eu.int) before 31 March.

Reducing tar levels in cigarettes yet further, imposing a ceiling on nicotine and carbon monoxide yields, while making the warnings carried on **cigarette packets** more striking are among the aims of a directive proposed by the European Commission on 16 November.

EU Member States should see to it that their policies regarding the **security of gas supplies** are adapted to the new, competitive environment. The EU, for its part, must give priority to trans-European energy networks, according to the European Commission. Its views are contained in a paper released on 10 November, in which it proposes the creation of a consultative forum, to look regularly into the supply and demand situation for gas in the EU.

The European Commission proposed on 1 December a directive on the **right to family reunification** for nationals of non-EU countries who are legally resident in a Member State. In order to exercise this right, which is not absolute, the persons in question would have to respect public order.

SEEN FROM ABROAD

► Lithuania and Slovakia: Target 2004

Lithuania will be ready to join the EU, along with the next wave of new members, in 2003 or 2004, the country's Prime Minister, Andrius Kubilius, stated on 29 November. By way of preparation, the country plans in particular to privatise the banking and energy sectors. Slovakia has also set itself the target of EU membership in 2004, as part of the next wave of new members. This was stated on the same day by Pavol Hamzik, Vice-President in charge of European affairs in the Slovak Government. The two countries were waiting at the beginning of December for their names to be added to the list of countries already negotiating EU membership – Cyprus, the Czech republic, Estonia, Hungary, Poland and Slovenia.

The text of this issue was completed on 1 December 1999.

A great deal of additional information on the European Union is available on the Internet. It can be accessed through the Europa server (http://europa.eu.int). If you have any questions, you can contact Europe Direct on the Internet (http://europa.eu.int/citizens/) or by telephone: United Kingdom: 0800 58 15 91; Ireland: 1800 55 31 88.

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