

WRITTEN QUESTION E-2553/02  
by Christoph Konrad (PPE-DE)  
to the Commission

Subject: Anticompetitive forming of a cartel within the Netherlands brick industry

On 29 April 1994 the European Commission granted an exemption from the rules on cartels for an agreement between a large number of Netherlands brick manufacturers. The decision granting the exemption expressly referred only to common bricks, and not to the more expensive facing bricks.

1. Why did the Commission grant this exemption despite the fact that it is well known that the Netherlands brick industry manufactures virtually no, or only very tiny quantities of, common bricks, and that most of its production is of facing bricks?
2. How did the Commission respond when the Netherlands brick industry – without, for that matter, having applied for an exemption from the rules on cartels for the production of facing bricks - unlawfully applied the exemption to production of facing bricks? Does the Commission assume, contrary to its own decision, that facing bricks are now covered by the exemption? If so, why?
3. What action is being taken by the Commission to protect competition in the brick industry in the face of a cartel - resulting from mergers and agreements – where production volumes and prices are agreed?
4. How does the Commission view the dramatic price increases for Netherlands bricks in the wake of the restructuring - made possible by the exemption - of the Netherlands market, which is now dominated by a small number of companies?
5. What steps is the Commission taking to put an end to distortion of competition within the European internal market resulting from the dominance of the market by the companies involved in this cartel? How does the Commission view the way in which companies not taking part in this cartel are discriminated against and boycotted, and how does it intend to compensate them?
6. What is the Commission's response to the adverse effects of the price increases on consumers and competitors?

Has the Commission taken any punitive measures in response to the infringement of Article 81 (1) of the EC Treaty, requiring additional profits made by Netherlands brick manufacturers as a result of the price rises to be suitably passed on to consumers?