

WRITTEN QUESTION E-2296/03
by Alejo Vidal-Quadras Roca (PPE-DE)
to the Commission

Subject: Autonomous Community levy on the premises occupied by large commercial enterprises

On 31 October 2002 the author of this question tabled a parliamentary question to the Commission (Written Question P-3185/02¹) on the serious restriction of freedom of establishment caused by the levy on premises occupied by large commercial enterprises introduced by Law 16/2000 of the Catalan Autonomous Community. In his answer of 17 December 2002 on behalf of the Commission, Mr Monti said that the Commission had no intention whatsoever of authorising the retention of any rules contrary to Article 43 of the EC Treaty relating to freedom of establishment.

However, there is as yet no indication that the Directorate-General for the Internal Market, which is competent in this sphere, has taken any action against the Spanish authorities with regard to Catalan laws 16/2000 and 17/2000, which hamper freedom of establishment for Community businesses.

This inaction on the part of the Commission is creating a situation of obvious inconsistency, since it is allowing this kind of legislation to survive within the EU whilst demanding that the accession countries abolish it.

1. Does the Directorate-General for the Internal Market intend to bring any kind of proceedings against the Spanish State in connection with Catalan laws 16/2000 and 17/2000? If so, when does it envisage doing so?
2. Does the Directorate-General for the Internal Market intend to take any kind of general action against measures of this sort, which prevent large commercial enterprises from exercising freedom of establishment? If so, what is the timetable for such action?
3. Is the Commission aware how important it is to act swiftly in order to prevent not only the spread of such measures, which hamper freedom of establishment, but also the implementation of existing ones, such as the Catalan Law 16/2000, which is already artificially and irreversibly diverting investment?

¹ OJ C