

WRITTEN QUESTION E-6061/07
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to the Commission

Subject: Access to justice in procedures of European competition law

BusinessEurope underlined in its letter to President Barroso, dated 5 September 2007, the delays in appeal cases in the field of competition law before the Court of First Instance (CFI). These delays can last up to three years (e.g. the Airtours case) and come on top of the years of investigation that the European Commission needs to reach a decision in a competition case (e.g. the Microsoft case). This leads, notably in merger cases, to damages to the involved parties in terms of loss of value of the intended merger or acquisition and loss of momentum. During its current term the Commission is stepping up its activities in the enforcement of competition law, leading to more convictions and higher fines. This again increases the pressure on the already overloaded CFI. Moreover, the Commission combines the powers of investigation, indictment and sentencing. For the legal security of companies, it is essential to have thorough access to an impartial court that checks the final Commission decision against the applicable laws, and consequently to have a final decision on the case within reasonable time.

Could the European Commission regarding these facts answer the following:

- How does the European Commission intend to deal with the increasing workload in combination with the necessity to shorten the procedures and ameliorate companies' access to justice?
- Do the Court rulings (e.g. Schneider/LeGrand) give the European Commission cause to critically assess the accumulation of its competences and to strive for a more independent sentencing in competition cases?
- Could the European Commission indicate, regarding the problems of time loss in appeal procedures, if it intends to solve these problems in close consultation with the European Court of Justice and the European Parliament?