

WRITTEN QUESTION E-1236/08  
by Aldo Patriciello (PPE-DE)  
to the Commission

Subject: Reply to the question concerning unfair competition from the Japanese multinational Asahi Kasei Corporation

On 19 February 2008, Commissioner Neelie Kroes published a reply to parliamentary question E-5662/07 concerning unfair competition from a Japanese multinational, the Asahi Kasei Corporation.

The Commissioner's reply states that the Commission 'has not received any complaints in relation to potential anticompetitive conduct of Asahi Kasei or more generally in relation to competition problems related to the sale of cupro. Consequently, without more factual information on this matter, the Commission is not in a position to assess the alleged abusive behaviour reported by the Honourable Member (s)'. However, the Commissioner's reply does not seem to correspond to the facts of the case. On 30 November 2007 Professor Francesco Fimmanò, in his capacity as 'special commissioner' dealing with the administration of FDG SpA (formerly Bemberg), wrote to the Commission describing in detail the conduct of Asahi Kasei Corporation which, in his view, constituted an abuse of that company's dominant market position and thus contravened Community competition rules. Dr Paolo Cesarini, head of unit in the Commission's DG Competition, replied to Professor Fimmanò's letter on 29 January 2008 .

In the light of the foregoing, I have reason to believe that the Commission has all the information it requires to investigate the matter and ascertain whether the Special Commissioner's allegations of anticompetitive behaviour are well-founded. Furthermore, I believe that the Commission should take account of the fact that Asahi Kasei is notorious for its previous breaches of Community law, which resulted in the Commission imposing penalties on the company. As the Commission will remember, Asahi Kasei was fined EUR 486.9 for having formed, between 2004 and 2005, a cartel to fix the price of glass used for windows, doors and mirrors.

Does the Commission agree that it has at its disposal all the information required to ascertain whether the alleged anticompetitive conduct referred to in Written Question E-5662/07 took place?

Does the Commission agree that it should take due account of the fact that Asahi Kasei has contravened Community law on previous occasions and of the complaint lodged by Professor Fimmanò?