

WRITTEN QUESTION E-1443/09
by Jean Marie Beaupuy (ALDE)
to the Commission

Subject: Categories of vertical agreements and concerted practices in the motor vehicle sector

In order to comply with the principle of free and fair competition between Member States, Article 81(1) of the EC Treaty prohibits vertical agreements. Nevertheless, the motor vehicle sector enjoys exemption from this under Article 81(3) of the Treaty, which stipulates that, despite the general principle prohibiting vertical agreements, exemptions may be granted if on the one hand they have beneficial effects and if, on the other, consumers enjoy a fair share of the resulting benefits.

The regulation granting exemption to the motor vehicle sector (Regulation (EC) No 1400/2002¹) will expire in 2010. The Commission has recently been examining the question by means of a consultation followed by an assessment report. It is considering bringing the motor vehicle sector under the general exemption regulation (Regulation (EC) No 2790/1999²) with effect from 2010.

The application of that regulation to the motor vehicle sector would create serious problems for those working in the industry, a situation that would be made all the more difficult by the major global economic crisis.

With this in view, will the Commission clarify its position and say whether it intends to preserve a regulatory system specific to the motor vehicle sector?

¹ OJ L 203, 1.8.2002, p. 30

² OJ L 336, 29.12.1999, p. 21