

**Question for written answer E-006318/2011  
to the Commission**  
Rule 117  
**Philippe Juvin (PPE)**

Subject: Competition policy - procedural rules and lack of parliamentary scrutiny

Competition policy is one of the pillars of the internal market, and breaches of the rules must be punished in order to protect both consumers and other firms, in particular SMEs, which are the first to suffer.

Nevertheless, the huge increase in the level of fines imposed on businesses breaching EU competition rules (EUR 1211 million for cartels and abuses of a dominant position between 1990 and 1994, compared with EUR 13 726 million between 2005 and 2009, without any significant increase in the number of cases) raises questions about procedural aspects and parliamentary scrutiny.

In the context of a procedure for anticompetitive practices, the Commission is both judge and party: it is the authority which, on the one hand, has powers of inquiry (deciding whether to open an inquiry and conducting investigations) and, on the other hand, judges the case and imposes penalties on those firms found to be in breach of EU rules. This blurring of roles has the potential to undermine the fairness of the procedure. Moreover, to date Parliament has not been asked to give its opinion on developments and Commission decisions in the area of competition.

In the light of the huge economic impact of competition policy, does the Commission intend to consider amending the procedural rules, inter alia by separating the work of opening inquiries and conducting investigations, on the one hand, from the work of judging cases and imposing penalties, on the other?

Does it intend to remedy the democratic deficit by involving Parliament and consulting it about decisions relating to competition policy?