

WRITTEN QUESTION P-3539/04  
by Bogdan Klich (PPE-DE)  
to the Commission

Subject: Coal industry practices by RAG A.G. related to the choice of suppliers which breach Articles 81 and 82 of the Treaty establishing the European Community

With permission from the Commission, German coal-mining companies were brought under the RAG Aktiengesellschaft holding company in accordance with the 'coal compromise' of 13 March 1997.

The strong position today held by RAG A.G., which groups almost all German coal mines together under the umbrella of its holding company, is the result of the integration and restructuring of the German coal industry.

Since the concentration of the German coal industry within the RAG A.G. holding company, and particularly since the DBT Berbau Technik GmbH firm was set up within the holding company, all the tenders which RAG have issued for the supply of coal mining equipment have been awarded to that firm, either through companies that come directly under it or in which it has a holding.

The organisation of the RAG A.G. holding company and its responsibility for tenders for the supply of coal-mining machinery, taken together with the tender practices used to date, practically rules out any kind of competition in the supply of mining equipment to German coal mines and also to mines that are located in other countries and are connected to RAG A.G.

Given the above, does the Commission believe that the continued preference for companies connected to or coming directly under the organiser of the tenders (RAG A.G.) who always appoint the same winners for the different tender proceedings (DBT GmbH) complies with Articles 81 and 82 of the EC Treaty? In its view, are the tender practices used in the German coal mining industry by the holding company and the firms linked to it in keeping with the substance of the 'coal compromise' of 13 March 1997? Does it believe that the funds obtained by RAG A.G. with Commission approval, which should be allocated to support for the fuel and coking coal market as well as shutting down coal mines (in the years 1998-2005) are actually used for the purposes for which they were allocated? What are the grounds for the preference constantly shown in tender procedures organised by the holding company and companies linked to it for tenderers who are members of the group?