

WRITTEN QUESTION P-0546/06
by Sahra Wagenknecht (GUE/NGL)
to the Commission

Subject: Commission Decision of 18 February 2004 on restructuring aid; conditions of the sale of the Bankgesellschaft Berlin AG by the end of 2007

1. Is it correct to say that the restructuring aid for the Bankgesellschaft Berlin AG (BGB) was approved by the European Commission only on the strict condition that, in addition to selling the Berliner Bank and other subsidiaries of the Bankgesellschaft Berlin AG, the Bankgesellschaft Berlin AG itself, including the Berliner Sparkasse, must be privatised and sold by the end of 2007?
2. In the decision of 18 February 2004, why does the Commission deviate from the previously standard practice of geographic market definition in merger control, which defines the markets in the finance sector as being national in scope, with the exception of finance and investment services? How will the Commission's decision to define the local or regional market in retail banking as the relevant geographical market affect the various banking groups (savings banks, cooperative banks, private business banks), and how will it affect the competition in the German, i.e. national, banking sector?
3. Does the Commission think it is justifiable to retain the condition requiring the sale of the Berliner Bankgesellschaft, including the Berliner Sparkasse, after the sale of the Berliner Bank and after the associated market share of the BGB in the individual segments of the Berlin retail business has been reduced by between one third and one sixth?
4. How is the Commission's argument in favour of privatisation of the Berliner Bankgesellschaft including the Berliner Sparkasse (cf OJ L 116/39, paragraphs 255 and 256) to be reconciled with Article 295 of the EC Treaty, which clearly attributes competence for systems of property ownership to the Member States? How are such conditions to be reconciled with the Brussels agreement of 18 July 2001 on institutional and guarantor liability, in which it was again confirmed that there would be no infringement on the public legal form of savings banks?