

WRITTEN QUESTION P-1732/07
by Sahra Wagenknecht (GUE/NGL)
to the Commission

Subject: Commission statements concerning the sale of the Landesbank Berlin

In the context of the current tender procedure for the Landesbank Berlin, which also incorporates the Berliner Sparkasse, the European Commission and the Berlin Senate have been quoted as making statements which in some cases differ very substantially in their substance and contradict earlier Commission statements.

For example, the Commission recently opposed the imposition of any requirements on the future purchaser (such as job guarantees or a commitment to maintaining the location of the company headquarters) and urged that the sale price should be the only criterion used in selecting the purchaser, since any other approach would be at odds with the principle of non-discrimination. However, in August 2006 the Commission stated that 'there are grounds for protecting the name "Sparkasse", given the public interest aspect to the work these banks perform and the need for consumers to be able to distinguish them from other banks. However, a ban on using the name "Sparkasse" following privatisation is not a measure proportionate to the need to guarantee protection of that public interest. Germany could enact measures which would be proportionate, for example by making the use of the name by private banks contingent on the fulfilment of certain public interest tasks which are demanded of savings institutes set up under public law or by specifying the name which may be used' (Land Press Service, 1 August 2006).

Has this approach to the issue of the sale of the bank been abandoned, or, to put it another way, are the current developments compatible with the statement issued in August 2006?

In addition, in June 2006 the Commission emphasised that 'pursuant to Article 295 of the EC Treaty (...) Germany is completely free to take decisions on the privatisation or non-privatisation of a savings bank' (Commission press release of 28 June 2006, IP/06/870). In contrast, in its public statements the Berlin Senate is clearly working on the assumption that the requirement imposed by the EU covers not just the sale of the Bankgesellschaft Berlin, but explicitly also the privatisation of the Sparkasse.

Does the requirement imposed by the Commission cover the privatisation of the Berliner Sparkasse, or is it correct to say that any decision on the privatisation of the Berliner Sparkasse will be taken in Berlin? If the requirement covers the privatisation of the Berliner Sparkasse, how can this be reconciled with Article 295 of the EC Treaty?