



European Commission

Competition

Impact of economic crisis on inland waterway transport

DG TREN Hearing

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The competition law framework for inland waterway transport

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Articles 81 and 82 EC Treaty

- Articles 81 and 82 of the EC Treaty apply
 - Article 81: prohibition of agreements that have the object or effect of restricting competition
 - Article 82: prohibition of an abuse of a dominant position
- Regime of self-assessment



"New" Regulation 169/2009

- Codified version of Regulation 1017/68
- No substantive changes, only combines all amendments occurred since 1968
- Provides exceptions for 2 specific types of cooperations in the inland waterway sector
- Narrow interpretation
- No longer a special provision for "crisis cartels"



Technical agreements (Article 2)

- Exception for technical cooperation
- Contributes to improving productivity
- Commercial cooperation is not covered (in particular no cooperation on prices)



Groupings of small- and medium sized undertakings (Article 3)

- Creation and operation of groupings with a view to carry on transport activities
- Enhance competitiveness of smaller operators by joining forces
- Only for SMEs (2 quantitative thresholds:
 - total capacity of 500.000t/grouping and
 - individual capacity of 50.000t/operator)
- Possibility for Commission to intervene



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Thank you for your attention!