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**COMMISSION DECISION (EC) N° .../..**

**of 13/06/2005**

**initiating an inquiry into the business insurance sector pursuant to Article 17 of  
Council Regulation (EC) No 1/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) N° 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty<sup>1</sup> and, in particular, Article 17 (1) thereof,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas:

- (1) According to Article 17 (1) of Regulation (EC) No 1/2003 the Commission may decide to conduct an inquiry into a particular sector of the economy or into particular types of agreements across various sectors, where the trend of trade between Member States, the rigidity of prices or other circumstances suggest that competition may be restricted or distorted within the common market.
- (2) Well functioning integrated and competitive financial markets are essential for efficient and dynamic development of the economy in the Community.
- (3) There are indications that in certain areas of insurance to business, insurers associations and committees jointly set standard policy conditions, offering only limited possibilities for the demand side to negotiate terms of coverage or otherwise restricting competition. Distortive forms of cooperation may also take place within the framework of insurers' associations and in the context of coinsurance arrangements between insurers. Similarly, certain arrangements for distribution of insurance products and services to business may give rise to competition concerns.
- (4) It is therefore appropriate to initiate a sector inquiry in the business insurance sector within the Community to allow the Commission to use its powers of investigation with respect to insurance companies and other providers of insurance products and services, as well as reinsurers, insurance intermediaries, insurance clients and Member States' authorities.

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<sup>1</sup> OJ L1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p.1.)

- (5) To the extent that the inquiry confirms the existence of anticompetitive agreements or practices or abuses of a dominant position, the Commission or, where appropriate, the national competition authorities could envisage using the information collected in order to take the appropriate measures to restore competition in the relevant markets, including addressing individual decisions to the entities concerned based on Article 81 and Article 82, on their own or, for the Commission, in conjunction with Article 86 of the EC Treaty,

HAS DECIDED AS FOLLOWS:

*Sole article*

Pursuant to Article 17 of Regulation (EC) No 1/2003 an inquiry is hereby initiated in the business insurance sector, relating to the provision of insurance products and services to businesses in the Community.

Done at Brussels, [...]

*For the Commission*

[...]

*Member of the Commission*