

**Question for written answer E-015659/2015
to the Commission**

Rule 130

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Subject: Annulment by Regional Administrative Court of fine imposed on ship owners in the Gulf of Naples and Salerno by the Competition Authority: possible infringement of EU competition law

On 4 November 2015, Lazio Regional Administrative Court heard a case brought by ship owners in the Gulf of Naples and Salerno against the fine of EUR 14 million imposed by Italy's Competition and Markets Authority on 28 January 2015 for an infringement of Article 101 TFEU.

The Regional Administrative Court, holding that insufficient evidence had been obtained and that the investigations had been contradictory, ruled, 'in the case at issue, no anti-competitive agreement exists as referred to in Article 101 TFEU', bewilderingly overturning the decision of the Competition Authority.

There is very ample evidence proving beyond reasonable doubt that, since 1998, an anticompetitive agreement of the most serious kind, prohibited by Article 101 TFEU, has been in operation.

In reply to a previous question, the Commission delivered a favourable opinion on the quality of the investigations by the Competition and Markets Authority.

- Does not the Commission consider there to be sufficient evidence to justify bringing infringement proceedings under Article 258 TFEU in order to ensure the correct application of the provisions of the Treaty concerning competition and cartels?
- Can the Commission indicate what progress has been made since the reply was given to Question No E-012030/2015, with regard to the investigations under way with a view to checking that the situation in the Gulf of Naples complies with Regulation (EEC) No 3577/92 on maritime cabotage and, similarly, whether the privatisation of Caremar complied with the rules on State aid?