

25 Jahre Kartellgesetz – ein kritischer Ausblick

Henrique Schneider
Andreas Kellerhals

25 Jahre
Kartellgesetz –
ein kritischer
Ausblick



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HENRIQUESCHNEIDER

Kritische Einleitung: Vergangenheit, Gegenwart und Zukunft des Kartellgesetzes

Henrique Schneider

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E? F">(44(>'06.? - 4?% / W '0(l63> -@?(@IA6. ' (? KG UQ 50@ '(> S% / --A6. (06(> W(@@\$(F(>\$?8>'6A6. 06 '(> S% / F(0I .4(0% / IA?(@I(6V D(> W(@@\$(F(>\$ F > 6" 540% / ?% /86 E8> /(> ' V N % / ' (5 '0(S% / F(0I \$0? 6 % / ' (5 ZF(0@ (6 W(4@3>0(. A6' F8 /4 \$0? 06 '0(MURL(> J />(/ (>38><8> @0?@0?% / 8>. 60?0(>@ . (e F(? (6 F > \$ (. 66 ?0% / ' (> W(@@\$(F(>\$ 06 ' (6 MURL(> J />(4? O>'6A6. ?e <>06I0< 'A>% / IA?(@I(6V E? 0?@ ' \$ (0 F(60. (> F0% / @0. W 8\$ '0(? (DA>% / ?(@IA6. A->A6' ' (>E06?0% / @ (>-84. @ (W (> ? (0 (06 W(>@ 6 ?0% / 8' (> (06 M0@@ (4 IA (06 (5 F0>@?% / -@?<8400?% / (6 ZF(%3V AA-2(' (6 F 44 @ \$40(>@ (?0% / ' (> W(@@\$(F(>\$ 06 E(>?% /0(' (6 (6 S(3@>6 4? P>06I0< J />I /6@ (E8> ' (6 B> @A6. (6 IA5 KG UQ 06s' (>sS% / F(0I^M

¹ H 4\$(0?(6_MC44(>_V(H> ?? @IsRM --IsA6'sQPL --V

W0>@?%/ -@?e A6' >(%/0?/0?8>0?%/ 3:66@ (5 6 ?8. > \$(/ A<@ (6 ' ?? ' ?
W (@\$ (F(>\$?>(%/0 06 ' (>S%/F (01 (>?@ ' 66 38' 0J10(>@ FA>' (W 4? '0(S%/F (0e
I (> W0>@?%/ -@ ' (6 W (@\$ (F(>\$ IA 0/> (5 P > '0.5 5 %/0 (V E>?@ 50@ ' (>
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3:66 (6 '0 (? (05<4010@ (G (. (6F >@?<"- (> (6I 06 (G<4010@ (A3@086 (6' (> W (@e
\$(F(>\$?\$(/ :>' (6 A55C6I (6V S (/> ' (A@40%/ F0>' '0 (??@ AA??<0 (4 (6 ' (?
6 %/E844I0 (/ (6' (6 K >@ (44. (?@I (? . (. (6 ' (6 06 '0(ZA3A6-@ . (>0%/0 (@ (6
W (@\$ (F(>\$ 06 ' (6 E0 (4 (6 U6@ (>?A%/A6. (6 A6' R (%/0?< (>A6. (6 . (. (6 '0e
. @ 4 (P4 @0-8>5 (6 06 ' (>EA>8<"0?%/ (6 U6086 f IA5 B (0?<0 (4 . (. (6 K> ('0@3 >e
@ (6 G88.4 (8' (> U\$ (>A6%/ . (5""? K0>I6 (> F0>3 (6 ?0%/ W (@\$ (F(>\$?. (?@I (
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² V.4IsD (PA>H_S%/ 50' _H A? (>IsPU --V

³ B A584_O>'8E (>IsNQL --V

⁴ P8?6 (>IsUNQ --V

⁵ FC> B (0?<0 (4 (A6' (06 (E (>@0 (-@ (D0?3A??086 ?0 (/ (W0@@ A6' S%/6 (0' (>EA>8< (6 U6086 A6e
@0@>A?@sP840%Hs06s@ / (sD0.0@ 4sE> V

⁶ K0>I6 (>IsRN -V

⁷ E06 (F (0@ (> (D0?3A??086 ' (> 3@A (4 (6 B (10 / A6. I F0?%/ (6 W (@\$ (F(>\$?8>' 6A6. A6' 16e
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/;>' (6<> G0? A6' R(%/0?<@(%/A6. 8' (> 06 ' (>E6@F0%34A6. ' (> D83@>06 IA5
KG UQV G(> ' ('0(? 'H6 50?%/ (QA 40@"0 5 %/ @ A? ' (5 K >@ (44. (?@I 06 ' (>
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06s' (6sE(>. 6.(6(6sJ />(6V

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' (> R(E0?086 ' (? K >@ (44. (?@I(? A? ' (5 J /> NLMP E8>?%/4A.W 4/ (6@ ('0(L(e
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3 @0E('0(T(043 >@ (44E(>\$8@ (AV V @>8@I' (5 - 3@0?%/ (06-C/>@ (W 5 %/ @ ('0(L(e
.0?4 @0E(05 J /> NLNM 68%/ (065 4 ' (A@40%/W ' ?? ?0(\$(6'0(? (60%/ @ F044V D ?
P >4 5 (6@ / @ '0(M8@086 MTPPNTN C\$(>F0(? (6V S0(/ (0? ? mD0(K >@ (44. (?@I>(e
E0?086 5A?? ?8F8/4=A 40@ @0E(4? A%/ =A 6@0@ @0E(K>0@ (>0 (6 \$(>C%3?0%/ @. (6W
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' (6 F0(' (>84@ . ("A??(>@ (6 W044(6 ' (? G(?@I. (\$>? 34 > A- ' (6 PA63@X I5
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- 44sA6's60%/ @s A-.>A6's\$48??s-8>5 4(>sK>0@ (>0 (6s\$(/ 6' (4@s F(>' (6V

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FA>' (IA '0(? (5 ZF(%3A5 (06(6(A(D(J60@086 aA>@V P A\$?V N^{50?} Kgb A6' A5
(06(6 6(A(6 M0??\$> A%/ ?@ @\$(?@ 6' aA>@V S A\$?V N 40@V . Kgb (>."6I@V I6 '0(? (6
B(?@05 5A6.(6 .(/ @ (? A5 '0(R(%/0?J.A> ' (> (>4 @0E(6 M >3@5 %/ @ A6' 0/>(?
M0??\$> A%/ ?V^T

AA%/ 05 ZA? 5 5 (6/ 6. 50@ ' (5 M0??\$> A%/ ' (> M >3@5 %/ @ / @ ' (> G(?@Ie
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. (.(6C\$(> .>8?? (6 P4 @0-8>5 (6 IA ?@">3(6V D0(U5?@ (IA6. '0(? ? W044(6? F0>'
F8/4 05 G(?@I .(. (6 ' (6 A64 A@(> (6 W(@@\$(F(>\$ A6' A- '0(T8A0?5A?e
\$> 6%/ (-83A??0(> @ (>-84. (6V D (6 V(>500@4A6.?<4 @0-8>5 (6 ?844 A6@ (>? . @ F(>e

⁸ S@ "A\$(>_BA>.(>@sNOQ --V

'(6W mM8?@ F E8>(' N @086?neK4 A?(46 IA 0/>(6 GA6?@(6 (061A-8>'(>6V D0(3863>@ (U5?(@IA6. \$(0'(>A640(. (6 05 ZA? 5 5 (6/ 6. 50@ '(> M >3@5 %/@8' (>s' (>(6sM0??\$> A%/s?@(/@s \$(>s(>?@s 6V

D0(? (2C6.?@ (6 B(?%/4C??(' (? G(?@I. (\$>?W (06(>?(00? 6 '(> F4(G0\$040""@ 06'(> U5?(@IA6. E86 A>@V Q KG -(?@IA/ 4@ (6 A6' 6'(>?>(00? (06(\$(?86' (>S@>(6. (05 ZA? 5 5 (6/ 6. 50@ A>@V S KG IA I(0. (6W ?06' :3868 50?%/ \$(. >C6'e \$ > f (6@4 6. ' (>-84. (6' (6 </"68@H<0?%/ (6 Ü\$(>4(. A6.X A\$?<> %/(6 ?@ (4e4(6 6@0385<(@000E? V(>/ 4@ (6 ' >W D8%/ ?0(?06' '0(m504'(?@ (n F8>5 '0(e ?(? V(>/ 4@ (6?@H<A?V D(> M0??\$> A%/ E86 M >3@5 %/@ 0?@ (06(05 V(>.4(0%/ ' IA F(0@(> . (/ (6' (E06?%/>"63A6. ' (? W(@@\$(F(>\$?V FA?086(6 ?@ (4(6 ' 66'0(?@"">3?@ (F8>5 '(> AA?%/ / 4@A6. ' (? W(@@\$(F(>\$? ' >W W"/>(6' (06(A\$e ?<> %/(60%/ @ A@85 @0?%/ M >3@5 %/@ \$(. >C6' (@W ? . @ '(> M0??\$> A%/ '(> M >3@5 %/@ ' (J60@8>0?%/ A?W ' ?? '(> (061(46(A3@ (A> ?(06(V8>?@ (4A6. (6 E86 P>(0?(6 A6' L(0?@A6. (6 05 M >3@ A5?(@I(6 3 66V D 50@ 0?@ '(> W(@@\$(e F(>\$ 6 ?0%/ ?@ >3 6. (. >--(6V B(0 '(> FA?086 F0>' '(> W(@@\$(F(>\$ IA506e ' (?@ @04F(0? (A? . (?%/ 4@ (@W ' ?0%/ '0(A6I /4 '(> A3@ (A> (A- (06(> S(0@ (' (? M >3@?(> (' A10(>@ A6' '0(M >3@5 %/@ A- ' (6 C\$>. \$4(0\$(6' (6 3861(6@>(>@ F0>' V" D0(P> G0? ' (> S%/ F(0I (> W(@@\$(F(>\$?\$(/ :>' (?@ (/ @ ?('8%/ 06 A5. (e 3(/>@ (> B(I0(/A6. IA> 16@ (6?0@"" ' (? 6@0385<(@000E(6 V(>/ 4@ (6?V S0(I(0. @ \$(?86' (> S@>(6. (\$(0 A\$?<> %/(6W M04' (\$(05 M0??\$> A%/ E86 M >3@5 %/@ A6' . (> ' (IA G>8??IC.0. 3(0@ \$(IC.40%/ FA?086(6V D0(2C6.?@ (6 B(?%/4C??(' (? G(?@I. (\$>?sF844(6s'0(? (sP> G0?s38>>0.0(>(6V

ZA?"@140%/ IA '0?(6 <840@0?%/ (6 B(?%/4C??(6 IA5 KG UQ ?@ (/ @ A%/ 68%/ ?(06(R(E0?086 6V S0(?844 IA5 B(0?<0(4 '0(P>81(??' A(>W '0(10E04>(%/@40%/ (DA>%/e ?(@IA6. ' (? K >@44. (?@I(? A6' '0(:3868 50?%/ (6 T(?@? IA> F(?@?@ (4A6. E86 M >3@5 %/@ A5- ??(6V D0(06@ (6'0(>@ (R(E0?086 F0>' IF >m34(06(R(E0?086n . (6 66@W '8%/ ?%/86 '0(N(66A6. '0(?(> '>(0 16/ 4@ (I(0. @W ' ?? ?0(50@60%/e @ (6 6A>A6F0%/ @. (E4(5 (6@ (A5- ??@V" mK4(06n F0>' '0(R(E0?086 . (6 66@W F(04 ?0(?0%/ (/ (> A- 2(6(E4(5 (6@ (' (? KG UQ \$(I0(/ @W '0(\$0?/((> <840@0?%/ 5 >.0e 6 40?0(>@s\$40(\$6V

P840@0?%/ (E6@?%/ (0' (?06' 44(>'06.? 60%/ @ '(> (0610. (T>(0\$(> ' (? W 6' (4?V V8> 44(5 '0(R(%/ @? (6 F0%34A6. 'A>%/ '0(P> G0? '(> W(@@\$(F(>\$?\$(/ :>' (A6' '(> G(>0%/ @ (> <0(4@ (06(R844(V D \$(0 / @ . (> ' ('0(? (P> G0? 06' (64@I@ (6

9 S@"A\$(>_BA>. (>IsNOT -V

10 D(F(HisMQS --V

11 S0(/ (s'0(sM('0(65000(0A6..s' (?sBA6' (> @ (?sE85sJ />sNLNLIs \$>A-\$ >sA6@(> v/@@<?X_FFFV '506%/ /_.8E_'(_?@ >@_'83A5(6@ 0086_5('0(65000(0A6.(6V5?.e 0'eSTLSPV / @54uV

J />(6 5 (/(>(K(/>F(6'(6.(5 %/@ A6' ?0%/ E86 '(> A?<>C6.40%/ (6 Ö38e
68513 '(? KG UQ (6@->6@V D0(? (E6@F0%34A6. 0?@ die H(> A?-8>'(>A6. '(> G(e
. (6F >@s'(?sKGsUQV

II. Gegenwart: Praxisänderungen und Herausforderungen

H0(> ?844(6 -C6- P> G0?'6'(>A6.(6 ?(0@ (6? '(> W(@@\$(F(>\$?385 50??086 A6'
G(>0%/ @ (?30I I0(>@ F(>' (6V D0(? (Ä6'(>A6.(6 ?@ (44(6 ?8F8/4 -C> U6@(>6(/ 5 (6
4? A%/ -C> '0(A6F 4@?%/ -@ .>8??(H(> A?-8>'(>A6.(6 ' >Y 60%/@ C\$(> e
?%/ (6' ?06' ?0(A%/ 2A>0?@0?%/ A6' :386850?%/ A5 ?@>0@ (6V E? ?06'X '0(E@ e
\$40(>A6. ' (? S(3>(@ >0 @? '(> W(@@\$(F(>\$?385 50??086 4? (06(E86 '(> K85 e
50??086 A6 \$/"6.0.(6 B(/ :>' (W '(> W 6' (4 E86 (06(> U6@(>?A%/A6.?e /06 IA
(06(> K4 .(48.03 05 U5 . 6. 50@ E(>5A@ ((6 V8>?@ :??(6 . ((6 ' ? G(? (@I W '0(
F03@086 '(> P(>e? (eE>/ (\$40%/3(0@W '(> U5 . 6. 50@ B>A@08<0? (6 A6' '0(E06e
-C/>A6. '(> R(%/@>J.A> '(> G(? 5@ \$>(' (V D0?(> A\$?%/600@ ? (@I @ 68%/ (06(
?(%/?@ (H(> A?-8>'(>A6. ' IA W A%/ F(66 ?0(60%/ @ IA ' (6 P> G0?'6'(>A6.(6
. (/ :>@VsS0(\$@>0--@s' (6sU 5 . 6.s50@sS0 @?A6@(>6(/ 5 (6V

I. Wettbewerbskommission und Sekretariat

H(06(5 66 /"4@ -(?@X mD ? S(3>(@ >0 @ 0?@ (06(E86 '(> W(@@\$(F(>\$?385 50?e
?086 . (@>(66@ (W(@@\$(F(>\$?\$(/ :>' (V D0(B(I(0%/6A6. oS(3>(@ >0 @p @ "A?%/ @X
E? / 6' (4@ ?0%/ A5 (06((0.(6?@ "6'0.(B(/ :>' (W F(4%/ (C\$(> I /4>(0%/ (K85 e
<(@ (6I(6 E(>-C.@Vn D0(? (AA?4(.A6. (6@?<0%/ @ '(> '(>I(0@.(6 P> G0? A6'
6 5 (6@40%/ ' (5 S(4\$?@E(>?@ "6'60? ' (? S(3>(@ >0 @? '(> W(@@\$(F(>\$?385 50?e
?086W ' ? ?0%/ ' (- %@8 4? W(@@\$(F(>\$?\$(/ :>' (A--C/>@V V85 G(? (@I F0>'
'0(? (AA?4(.A6. 06' (? 60%/ @ . (?@C@I @V ZF >E(>F(6' (@ ' ? KG UQ ' (6 AA?>A%3
mVW(@@\$(F(>\$?\$(/ :>' (6nW '8%/ ?06' '0(? (50@60%/ @ (6 E86(06 6'(> A6 \$/"6e
.0. WsA6's' ?sS(3>(@ >0 @s0?@sF(0@s(6@->6@s' E86W(0.(6?@ "6'0.sIAs? (06V

I 5 G.(6@ (04 ?0(/ @ ' ? KG UQ (06 34 >? U6@(>8>'6A6.?E(>/"4@60? E8>W 06' (5
(? A?>C%340%/ A?-C/>@W ' ? S(3>(@ >0 @ . (/ :> IA> K85 50??086 A6' \$(>(0@(
'(>(6 G(?%/ "-@ (E8>A>@V NO A\$?VM KG 5 %/@ '0(? ' (A@40%/X mD ? S(3>(@ >0 @
\$(>(0@ ('0(G(?%/ "-@ ('(> W(@@\$(F(>\$?385 50??086 E8>W -C/>@ '0(U6@(>?Ae
%/A6.(6 'A>%/ A6' (>4"??@ IA? 5 5 (6 50@ (06(5 M0@.40(' ' (? P>"?0'0A5? '0(
68@F(6'0.(6 E(>- />(6?4(0@ (6' (6 V(>-C.A6.(6V E? ?@ (44@ '(> W(@@\$(F(>\$?e
385 50??086 A6@> . A6' E844I0(/ @ 0/> (E6@?%/ (0' (V E? E(>3(/>@ 50@ B(@ (040.@ (6W
D>0@@ (6sA6'sB(/ :>' (6s'0>(3@Vn

G(5"?? A>@V NO A\$?V N KG / @ ' ? S(3>(@ >0 @ 6A> (06(?(4\$?@"6'0.(B(-A.60?W
6"540%/ '0(E06>(0%/A6. E86 S@ (4A6.6 / 5 (6 .(5"?? A>@V PR A\$?V M ?8F0('0(
B(> @A6. E86 A50??@ (4(6 A6' U6@(>6(/ 5 (6V A44(6'(>(6 AA-. \$(6 605 5@
' ? S(3>(@ >0 @ 478 E86 '(> K85 50??086 \$/"6.0. F /> A6' (6@?<@(%/(6'
A6?(4\$?@"6'0.V S(06 '0>(3@(> V(>3(/> 50@ B(@ (040.@ (6W D>00@ (6 A6' B(/>:' (6
0?@ E(>- />(6?:3868 50?%/ IA ?(/ (6V D0?(\$ (06 / (\$?84A@ (U6?(4\$?@"6'0.3(0@
'(? S(3>(@ >0 @? .(.(6C\$(> '(> K85 50??086 F0>' 68%/ ' (A@40%/ (> 06 A>@V NP
A\$?V M KGW F8 '0(W /4 44(> S(3>(@ >0 @?50@ >\$(0@ (6' (6 A??(> ' (> D0>(3@086
'A>%/s'0(sK85 50??086sE(> 63(>@s0?@V

E? 0?@ 478 (06(P> G0?"6'(>A6.W F(66 05 V(>.4(0%/ 8'(> . >05 G(. (6? @I IA5
KG UQ ' (5 S(3>(@ >0 @ (06((0. (6?@"6'0.(B(/>:' (6>844(IA.(?@ 6' (6 F0>'V
D0?(? Ä6'(>A6. -C/>@ (>?@ (6? IA (06(> U6 \$/"6.0.3(0@ ' (? S(3>(@ >0 @? E86
' (> K85 50??086W F ? F0(' (>A5 '0(A\$/"6.0.3(0@ ' (> K85 50??086 E85 S(3>(e
@ >0 @ IA> F84. (/ @ f (06(F84.(W '0(60(E85 G(?@I. (\$(> 06@ (6'0(>@ FA>' (V
D0?(? A\$/"6.0.3(0@ (>.0\$@ ?0%/ A? ' (> .>8??(6 16-8>5 @086?e A6' A>\$(0@?e
?H5 5 (@>0 (6 ' (> A\$F0%34A6. ' (> F"44(X D0(K85 50??086 / @ 3(06(>4(0 R(?e
?8A>%(6 A??(> ' (5 S(3>(@ >0 @ A6' 0?@ A- ' ? S(3>(@ >0 @ 6. (F0(? (6W A5
F"44(IA \$(>\$(0@ (6 A6' E6@?%/ (0' (IA -"44(6V ZF(0@ (6? -C/>@ '0?(? P> G0?"6e
' (>A6. ' IAW ' ?? ' ? S(3>(@ >0 @ E(>5 (/>@ ' (- %@8 >(%/@?E(>0\$?40%/ (AA?e
3C6-@ (.0\$@V W" />(6' '0?(? AA?3C6-@ (60%/ @ >(%/@?A5?(@I (6' ?06'W ' ?0(2
60%/ @ V(>-C.A6. (6 ?06'W / \$(6 ?0(' (668%/ (06(6 68>5 @0E(6 C/ > 3@(>V D0(
F> .(0?@ ' 66W 06F0(-(>6 '0(K85 50??086 '0?(? (6 AA?3C6-@ (6 F0' (>?<@(%/(6
3 66 A6' 8\$?0(W F(66 ?0(F0' (>?<0%/ @W R(%/ @ (6' (>(> A3@ (A>(W IA5 B(0?<0(4
' (>A>?<@C6.40%/ (6sA'>?? @ (6s' (>sAA?3C6-@ (WsE(>4(@I@V

2. Von der Untersuchungs- zur Klagelogik

H(06(5 66 ?@ (44@ 05 A6?%/4A?? 6 '0(8\$(6 10@0(>@ (P ?? .((\$ (6?8 -(?@X mD0(
A>\$(0@?@ (04A6. IF0?%/ (6 S(3>(@ >0 @ A6' K85 50??086 -A63@0860(>@ 05 W(? (6@e
40%/ (6 F0(-84.@X D ? S(3>(@ >0 @ 4(0@ (?(4\$?@"6'0. '0(U6@(>?A%/A6. (6 A6'
?@ (44@ 6 %/ ' (>(6 A\$?%/4A?? A6@> . \$(0 ' (> W(@@\$(F(>\$?385 50??086V AA- ' (>
G>A6'4 . ('0?(? A6@> .?W' (> S@ (4A6.6 / 5 (6' (>P >@ (0 (6 A6' (06(> 5C6'40e
%/ (6 A6/ :>A6. \$(J6' (@ ' 66 '0(K85 50??086V S0(5 %/@ ?0%/ (06 (0. (6(? B04'
' (>T @? %/ (6 A6' ' (>R(%/@>- . (6 A6' 385 5@ A- '0?(>G>A6'4 . (IA (06(>
E6@?%/ (0' A6.Ws'0(sE85 sA6@> .s' ?sS(3>(@ >0 @?s \$F(0%/ (6s3 66Vn¹⁰

D0?(? B(?%/>(0\$A6. 0?@ F(0@. (/ (6' 38>>(3@V A\$(> (? 48/6@ ?0%/W ?0%/ '0(R84e
4(6E0(4- 4@ ' (? S(3>(@ >0 @? 06 ' (>F 44\$(>\$(0@A6. E8>AA. (6 IA -C/>(6X E? \$(e
>(0@ (' (6 F 44 IA/ 6' (6' (> K85 50??086 A- A6' E8W (? ?@ (44@ ' (6 A6@> .W

¹³ H(06(5 66WsQMV

(? 0?@ 6 '(> A6/:>A6. '(> 5 F 44 B(@040.@(6 6F(?6'W (? E(>\$4(0\$@ 6 %/
'(> A6/:>A6. \$(0 '(> K85 50??086W (? F8/6@ F"/>(6' '(> E6@?%//(0'J6'A6.
'A>%/ '0(K85 50??086 0/>(6 B(> @A6.(6 \$(0V E? F">(60%/ @ E(>F(. (6W 6IAe
6(/ 5 (6W ' ?? (? F"/>(6' '0(?> B(> @A6.(6 ' ? W8>@ (>.>(0-@ A6' ' 50@ A-
'0(S%/4A?? \$?@0 5 5 A6. E06KA?? A?C\$(6 3 66V W">((06(5<0-0?%/ (U6@(>e
?A%/A6. '(>E86 '(6 A6@>". (6' (? S(3>@ >0 @(? \$F(0%/ (6' (6 K85 50??086?e
(6@?%/ (0' (5: .40%/ W 3:66@ (>?@44@ F(>' (6W F0(8-@ '0(K85 50??086 @ @?"%/e
40%/ E86 '(6 A6@>". (6' (? S(3>@ >0 @? \$F(0%/ @V M 6 3:66@ (E(>5A@ (6W ' ??
'0(?s60%/ @s8-@s' (>sF 44s0?@V

D0(? (ZA? 5 5 (6 >\$(0@ 0?@ E85 G(?@I.(\$(>?8. (F844@W. (6 A F(04 ' ? S(3>(e
@ >0 @ E86 '(> K85 50??086 \$/"6.0. 0?@ A6' 3(06(6'(>(6(66(6?F(>@ (FA63e
@086 / @W 4? 0/> IAIA'0(6(6V D(> G(?@I.(\$(> F >?0%/ '0(?> M %/@-C44(' (?
S(3>@ >0 @? \$(FA??@ A6' E(><K0%/ @ (' (?/ 4\$ '0(K85 50??086 A6' 0/>S(3>(e
@ >0 @ IA (06(> U6@(>?A%/A6. ?48.03V A6 E(>?%/0(' (6(6 S@44(6 E(>F(6' (@ ' ?
KG UQ ' (6 B(.>0-- '(> U6@(>?A%/A6.Y '0(K4. (F0>' 06' (? 4('0.40%/ 05 ZA? 5e
5 (6/ 6. 50@ '(> 10E04>(%/ @40%/ (6 DA>%/? (@IA6. 06 A>@V M0 KG 6. (?<8%/ (6V
1 5 3 >@44>(%/ @40%/ (6 V(>F 4@A6.?E(>- />(6 5C??(6 '0(W(@@\$(F(>\$?\$(/:>e
' (6' (6 S %/E(>/ 4@ E86 A5@(? F(. (6 -(?@?@44(6Y (? .04@ ?850@ '(> U6@(>?Ae
%/A6.?.>A6'? @I aA>@V MN V FVGbV D0(?> F0>' (>."6I@ 'A>%/ '0(A5- ??(6'(
AA?3A6-@?<K0%/ @ '(> 6 (06(5 V(>- />(6 \$(@040.@(6 U6@(>6(/ 5 (6 A6' \$(@8-e
-(6(>D>0@@(>W G(5"?? ' (5 U6@(>?A%/A6.?.>A6'? @I 5A?? ?8F8/4 B(4 ?@ (6' (?
4?s A%/sE6@4 ?@ (6' (?sC\$(><C-@sF(>' (6I

G(> ' (E86?(0@ (6'(> U6@(>6(/ 5 (>?%/ -@W \$(> A%/ E86 T(04(6'(> A6F 4@e
?%/ -@ F0>' IA6(/ 5 (6' '(> W 6'(4 ' (? U6@(>?A%/A6.?.>A6'? @I(? 06 (06(
mK4. (48.03n \$(' A(>@V D0(W(@@\$(F(>\$?\$(/:>' E(>/ 4@ (?0%/ 05 5 (> 5 (/>
F0((06 K4". (> 8'(> (06(S@ @? 6F 4@?%/ -@V D(6 mA6. (34. @ (6n \$40(\$ (60%/ @?
6'(>(? 4? (06(V(>@ (0'.A6. C\$>0.V D0(U6@(>?A%/A6.?'>?? @ (6 3:66@ (6
?0%/ 60%/ @ 5 (/> ' > A-E(>4 ??(6W ' ?? '0(B(/>:' (E6@4 ?@ (6' (? (>50@@4W. (e
?%/F(0. (' (66 FC>'0. (V D0(? (P> G0?"6'(>A6. F">(' (?/ 4\$ <8\$4(5 @0?%/W
F(04W F0(8\$(6' >. (?@44@W '0(34. (6' (A6' '0((6@?%/ (0' (6' (16?@ 6I (<?>8e
6(44 A6' 5 @(>044 '0(.4(0%/ (0?@V D0(? (P> G0?"6'(>A6. ?844 06?\$ (?86' (>(6 %/
' (5 G \$ _E45 (GeU>@ (04 ' (? BA6' (? (>0%/ @?^P -(?@IA?@44(6 ? (06V D0(M8@086
NM/PMTU mU6@(>?A%/A6.?.>A6'? @I F />(6 f 3(06(B(F(0?4 ?@A53(/> 05 K >e
@44. (? (@InsFA>' (s(06. (>0%/ @W sA5s' ?sIA s38>0.0 (>6I

3. Per-se-Erheblichkeit

D ? BA6' (?. (>0%/ @?A>@ (04 G \$ _E4 5 (G / @ IA (06(> 6' (>(6W ?(/> F(0@. (/ (6e ' (6 P> G0?"6' (>A6. . (-C />@V M0@ (06(> OeIAeNeM (/> / (0@ / @ ' ? G(>0% / @ (6@e ?%/0 (' (6W ' ?? A\$>(' (6 05 S066(E86 A>@V Q A\$?V O A6' P KG 44(06 A-.>A6' 0 />(> QA 40@"@ .>A6'?"@140% / 4? (> / (\$40% / (B((06@>"% / @0.A6. ' (? W(0@\$(F(>\$? . (5"?? A>@V Q A\$?V M KG IA =A 40J10(>(6 ?06'V M0@ '0(?(> R(% / @?<(> / A6. ' (? BA6' (?. (>0% / @? F(>' (6 A\$>(' (6 05 S066(E86 A>@V Q A\$?V O A6' A\$?V P KG .>A6'?"@140% / E(>\$8@ (6V Ü\$(> ' (6 G(>0% / @?F(. 0?@ 4?8 ' ? E85 G(?@1. (\$(> \$. (4 / 6@ (T(043 >@ (44E(>\$8@ (06. (-C />@ F8>' (6V D0(W(0@\$(F(>\$?385 5 0??086 \$(>A-@ ?0% / A- '0(?(? A6' ' > A- A-\$ A(6' (G(>0% / @?(6@2% / (0' (W F(66 ?0(0 /> (V(>\$8@?<@ G0? A5?(@1@V D \$ (0 ?<@0% / @ <8?0@0E(? R(% / @ . (. (6 '0(? (P> G0?W 6" 5 40% / s' ?sKGsUQV

E? F0>' @ (04F(0? (>. A5 (6@0(>@W (? FC>' (@>8@I .>A6'?"@140% / (> E / (\$40% / 3(0@ 3(06 V(>\$8@ (06. (-C />@W F(04 A\$>(' (6 05 S066(E86 A>@V Q A\$?V O A6' A\$?V P KG 6A> m.>A6'?"@140% / n (> / (\$40% / ?(0(6 A6' (06(E06I(4- 44<C-A6. 5 : .40% / \$4(0\$(¹⁵ B0>3"A?(> A6' S@ 6% / 0(>0 / 4@ (6 ' . (. (6X mD0?(? A>. A5 (6@ @086 0?@ - 4?% / V W(66.4(0% / (? ?@05 5 (6 5 .W ' ?? '0(U6@(>? .A6. (06(> \$(?@05 5 @ (6 V(> / 4@ (6?F(0? ('A>% / ' (6 N % / F(0? F0>@?% / -@40% / (> E-J10(6I \$. (F(6' (@ F(>' (6 3 66W ?8 -C />@ ' ? U>@ (04 f 6 % / \$0? / (>0. (> P> G0? f 05 E>. (\$60? ' (- %@8 @>8@1' (5 IA (06(5 V(>\$8@W 06?\$(?86' (> (F(04 6 ' (6 N % / F(0? F0>@e ?% / -@40% / (> E-J10(6I \$(0 P>@ (0?@W M(6. (6e A6' G(\$0(@? \$>(' (6 05 S066(E86 A>@V Q A\$?V O A6' A\$?V P KG 06 ' (> P> G0? / 8 / (A6-8>' (>A6. (6 . (?@ (44@ F(>' (6V ZA' (5 0?@ (? 6 % / ' (> / 0(> E(>@>@ (6(6 A6?0% / @ 3(06(V8> A??(@IA6. -C> '0(ZA4"??0. 3(0@ (06(> V(> / 4@ (6?F(0? (W ' ?? '0(? ((-J10(6@ 0?@V AA% / 06(-J10(6@ (V(> / 4@ (6?F(0? (6 5C??(6 IA4"??0. ?(06W ?84 6. (?0(' (6 W(0@\$(F(>\$ 60% / @ (>e / (\$40% / s\$ ((06@>"% / @0. (6Vn¹⁶

F(>6(> \$(/ A<@ (6 ?0(X mD ? 6(A(U>@ (04 ' (? BA6' (?. (>0% / @? 0V SIVG \$?@ (/ @ A% / 05 W0' (>?<@A% / IA ?(06(> \$0? / (>0. (6 R(% / @?<(> / A6.W F86 % / (06(>e / (\$40% / (W(0@\$(F(>\$?\$((06@>"% / @0.A6. oaIA506' (?@b ' 66 IA \$(? / (6 c0?@dW F(66 '0(A\$>(' ((06(6 A- ' (5 (6@?<(> / (6' (6 M >3@ (> (4E 6@ (6 W(0@\$(e F(>\$?< > 5 (@(> \$(@0--@W F8\$(0 '0(B(0(040. @ (6 (06(6 (> / (\$40% / (6 M >3@ 6@ (04 / 4@ (6pV N(A(>'06.? E(>@>0@ ' ? BA6' (?. (>0% / @ 2('8% / '0(A6?0% / @W ' ?? o. (e F0??(A\$>(' (6 .>A6'?"@140% / \$(>@0? A-.>A6' 0 />(> G(. (6?@ 6' (? (> / (\$40% / p ?06' A6' o' ?? (? A- ' (6 @ ??"% / 40% / (6 E06@>0@0 (06(> B((06@>"% / @0.A6. 60% / @ 6385 5 @W ?86' (>6 (06 P8@ (6@0 4 IA> B(?% />"63A6. ' (? W(0@\$(F(>\$? A?>@% / @ cZdp E? 385 5 @ ' / (> IA5 S% / 4A??W (? . (6C. (W o' ?? A\$>(' (6 ' (6 W(0@\$(F(>\$

¹⁵ B0>3/"A?(>_S@ 6% / 0(>0IsR IV RI

¹⁶ B0>3/"A?(>_S@ 6% / 0(>0IsR IV RI

<8@ (6@0 (44 \$ ((06@>"% / @0. (6 3:66 (6pV B (5 (>3 (6?F (>@ (>F (0? (F0>' '0(4@ (P> e
G0? 05 /0 (> \$ (?<8% / (6 (6 U>@ (04 60% / @ '0?3A@0 (>@V E? -"4@ IA' (5 A-|| ' ?? 05 U>e
@ (04 \$ (' A(>40% / (>F (0? (3 A5 G (. (65 (06A6. (6 A? ' (> L0@ (> @A> 00@ (>@ F (>e
' (6|n¹⁵

D ? G \$ _E45 (GeU>@ (04 ' (? BA6' (? . (>0% / @? F0' (>?<0% / @ ' (5 F0' (> / 84@ . (e
"A?? (>@ (6 W044 (6 ' (? G (?@I. (\$ (>?|| ' (> 386-8>5 50@ ' (> BA6' (?E (>- ??A6.
6 (06 (> M0??>\$> A% / ? . (?@I. (\$A6. - (?@ / 4@ (6 F044V D ? U>@ (04 .>C6' (@ 06 (06 (>
V (>\$8@?E8>?@ (44A6. A6' \$ (.>C6' (@ (06 (V (>\$8@?<> G0?V D0 (W (@@ \$ (F (>\$?385 e
50??086 -C / >@ '0 (? (V (>\$8@?<> G0? -8>@ A6' ' (/ 6@ ?0 (A?V D ? R (A4@ @ 0?@ (06
- 3@0?% / (? V (>\$8@?5 ??|| ' ? E0 (4 F (0@ (> . (/ @ 4? '0 (m\$H 8\$2 (%neR (. (4A6. (6 06
' (> EA>8<"0?% / (6 U6086V D (66 F" / > (6' '0 (EU C\$ (> (06 (?84@' (P> G0? \$ (@> (-e
- (6' R (% / @?>- (>@0. A6. ? .>C6' (6 F0 (\$ (0?<0 (4?F (0? ('0 (E-JI0 (6I E (>-C. @|| . 0\$@
(? 06 ' (> S% / F (0I 3 (06 (?84% / (P> G0?V D0 (S% / F (0I (> W (@@ \$ (F (>\$?385 50?e
?086 / @ 60% / @ 6A> A6@ (>4 ?? (6|| (06 (?84% / (IA (6 F0%3 (46|| ?86' (>6 C\$ (><C-@
'0 (? (G>C6' (6A>|| F (66 5 V (>- / > (6 B (@ (040. @ ('0 (?8. (6 66@ (m (-J%0 (6% H
' (- (6? (n E (>A% / (6||¹⁷ I5 Ü\$>. (6 \$ (?@ (/ @ 06 ' (> EU (06 ((06. (?<0 (4@ (KA4@A>
' (> . (>0% / @40% / (6 K8>> (3@A> E86 m\$H 8\$2 (%neE6@?% / (0' (6 ' (> EA>8<"0?% / (6
K85 50??086V I6 ' (> S% / F (0I F0' (>A5 F (>' (6 E6@?% / (0' (' (> W (@@ \$ (F (>\$?e
385 50??086sE86s' (6sG (>0% / @ (6sF (0@. (/ (6's\$ (?@"@0. @||¹⁸

D0 (8\$ (6 (>F" / 6@ (M8@086 MTIPNTN ?@ (/ @ 06 '0 (? (5 ZA? 5 5 (6 / 6. V S0 (?@ (44@
'0 (M0??>\$> A% / ? . (?@I. (\$A6. . (5"?? KG UQ A6' BA6' (?E (>- ??A6. 06 ' (6
M0@@ (4<A63@ A6' F044 '0 (P> G0? ' (> W (@@ \$ (F (>\$? \$ (/ :>' (A6' ' (> G (>0% / @ (6
38>>0.0 (> (6V D (66X W0 (?0% / (06 (A\$?<> % / (A?F0>3@|| 3 66 6A> (>?@ (44@ F (>' (6||
F (66 0 / > (06 '0E0'A (44 (Ö3868503 06 =A 6@0@ @0E (> A6' =A 40@ @0E (> W (0? (A6e
@ (>A% / @ F0>'V N0% / @ A5 ?86?> ?0 (/ @ ' ? KG UQ (06 V8>. (/ (6 . (. (6 (> / (\$40% / (6
A\$?<> % / (6sE8>||¹⁹

4. Bruttopreise

I5 N % / . 6. IA5 G \$ _E45 (GeU>@ (04 ' (? BA6' (? . (>0% / @? / @ '0 (W (@@ \$ (e
F (>\$? \$ (/ :>' (0 / > (E6@?% / (0' (E (>5 / >@ 6 % / > (06 -8>5 4 (6 K>0@ (>0 (6 A? . (e
>0% / @ (@V '0 ((0. (6C540% / (Ö3868503 ' (>F"44 (0?@ IA? 5 5 (6 50@ ' (6 :386850e
?% / (6 E>F" . A6. (6 E (>48> (6 . (. 6. (6V D ? / @ F (0@ (>0% / (6' (K86? (=A (6I (6
-C> '0 (P> G0?V E06 B (0?<0 (4' -C>0?@ ' (>6 (A (U5. 6. ' (>B (/ :>' (50@ M @ (>0e
43 @ 48. (6sA6'sB> 6% / (6<> (0?40?@ (6V

17 B0>3 / "A? (>_S@ 6% / 0 (>0||sR IV S|

18 V. 4||sK+44 (I0||sMNN --V

19 E06 (68% / F (60. ?@A'0 (>@ (AA?6 / 5 (0?@ ' (> F 44 mA4@0 5A5n|| U>@ (04 ' (? BA6' (? . (>0% / @?
NChMLM_NLMRsE85MT|sM 0sNLM|TY

20 V. 4sS% / 6 (0' (>||sE06sL8\$& A-s'0 (sE> / (\$40% / 3 (0@||sOQR --V

16 (06(5 E6@?%/ (0' 05 J /> NLMQ ?@A-@ ('0(W(@@\$(F(>\$?385 50??086 '0(H(>e
A?. \$(E86 P>(0?40?@ (6 50@ B>A@@8<@(0?(6 05 S 60@>".>8??/ 6'(4 4? (06(6
K >@ (44- 44 (06V^{NN} G(5""? ' (6 B(@ (040.@ (6 / @@ (' ? S(3>(@ >0 @ ' (> W(@@\$(e
F(>\$?385 50??086 06 (06(5 S%/>(0\$(6 6 '(6 S 60@>".>8??/"6'4(>E(>\$ 6'
I(/6 J /> (IAE8>-(?@.(/ 4@ (6' ' ?? (? '0(H(> A?. \$((06(? K @ 48.? 50@ (06e
/(0@40%/ (6 B>A@@8<@(0?(6 60%/ @ 4? A\$>(' (05 S066(E86 A>@V Q A\$?V O B?@V KG
\$(@> %/ @ (V D0(AA-- ??A6.W B>A@@8<@(0?(?(0(6 (/ (> A6<>8\$4(5 @0?%/ W F >\$0?
IA '0(? (5 F 44 T(04 ' (> E6@?%/ (0' <> G0? ' (> K85 50??086V W(60. (J /> (IAE8>
68%/ \$(?@""0.@ ('0(W(@@\$(F(>\$?385 50??086 06 (06(5 6' (>(6 E6@?%/ (0' \$(e
IC.40%/ K85<86(6@ (6 -C> H(01-W KC/4e A6' S 60@>". 64 . (6' ' ?? (06(V(>(06e
\$ >A6.W '0(60%/ @ (06(6 3863>@(6 V(>3 A-?<@(0? \$(@>--(W 60%/ @ A6@(> A>@V Q
A\$?V OsB?@Vs sKGs- 44(V^{NN}

15 J /> NLMQ 3 5 (? ' 66 IA> K(/>@F(6'(V M0@ 2(6(5 E6@?%/ (0' \$(- 6' '0(
W(@@\$(F(>\$?385 50??086W B>A@@8<@(0?40?@ (6 ?(0(6 6 ?0%/ \$(>(0? (06(P>(0? \$e
>(' (V G(6 A(> .(? . @ ?(0(6 . (5""? B(/ :>' (44(A\$?<> %/ (6 \$(IC.40%/ P>(0?e
385<86(6@ (6 P>(0? \$?<> %/ (6V D ? 0?@ (06(P> G0?"6' (>A6.W F(4%/ (A? :38e
6850?%/ (> P>?<(3@0E(IF(0 E4(5 (6@ (\$(06/ 4@ (0V D ? (>?@ (E4(5 (6@ 0?@X D0(
W(@@\$(F(>\$?\$(/ :>' (?@A-@ B>A@@8<@(0? (-8>@ 6 4? P>(0?385<86(6@ (6 (06V D ?
IF(0@X D0(H(> A?. \$(. (5 (06? 5 (> B>A@@8<@(0? (?844 . (5""? W(@@\$(F(>\$?e
\$(/ :>' (' (6 W(@@\$(F(>\$ E(>@I(6V B(0' (E4(5 (6@ ('0(? (> P> G0?"6' (>A6.
?06's- 4?%/ V

D0(QA 40J3 @086 4? P>(0?385<86(6@ (?(0I@ \$(.>0--?68@F(6'0. E8> A?W ' ??
'0(K85<86(6@ (06 @>.(6' (06(> F8>5 05 E6' <@(0? (6@/ 4@ (6 0?@V B>A@@8<@(0?
(?06' 2('8%/ 6A> '0(AA?. 6. ?4 . ((06(> V(>/ 6'4A6.W ' (>(6 E>.(60? ' (>V(>e
3 A-?<@(0? 0?@V D0(?(> / @ (>?@ (6? F(60. 50@ ' (6 B>A@@8<@(0? (6 IA @A6' A6' -"44@
IF(0@ (6? . 6I 6' (>? A? 4? ?0(V D B>A@@8e A6' V(>3 A-?<@(0? (. 6I A6@(>e
?%/0 ('40%/ A?- 44(6W -84.@W ' ?? ?0(60%/ @ K85<86(6@ (6 E86(06 6' (> ?(06 3:6e
6(6V D0(B8@?%/ -@ IA5 KG UQ /"4@ 6"540%/ -(?@X mFC> '0(U6@(>?@ (4A6. A6@(>
'0?(6 V(>5A@A6.?@ @\$(?@ 6' 0?@ '0(W0>3A6. ' (> P>(0?-(?@?(@ IA6. (6@?%/ (0e
' (6'Vn^{NO} AA%/ K> A?38<- A6' S%/ 44(> <>"I0?0(>(6W ' ?? 4? P>(0? (V(>3 A-?e
<@(0? (E(>?@ 6' (6 F(>' (6V E6@?<@(%/ (6' A5- ??@ ' (> A\$>(' \$(.>0--E86 A>@V Q
A\$?V O B?@V KG 4('0.40%/ V(>3 A-?e A6' 3(06(B>A@@8<@(0?(W ' ?0(60%/ @ T(04(
(06(?s.>:??(>(6sG 6I(6s?06 'V^{NP}

21 F 44sB ' (1055 (>YsRPW sNLMU_0 IIsRLR --V

22 RPW sNLMIN_OIsRPNIIsR IV NRO's?0(/ (\$ A%/ sRPW sNLMIM_PsQTRIsR IV PLUsA6'sQTTsR IV PNRI

23 B8@?%/ -@ ' (? BA6' (>? @ (? E85 NOV N8E(5\$(> MUUPI B8@?%/ -@ IA (06(5 BA6' (?.(?@I C\$(>

K >@ (44(A6's 6' (>(sW (@@\$(F(>\$?\$(?%/>"63A6. (6IsBBI sMIUUsIsPRT fRQSI

24 BSKsKGek> A?38<-_S%/ 44(>IsA>@V QIsNsOSTsA6'sNsPLUI

D0(FA63@086(6 E86 B>A@@8<0?(6 ?06 ' '0(V(>06- %/A6. '(> K85 5A603 @086
. (. (6C\$(> '(> KA6'?%/ -@ A6' '0(P8?00860(>A6. '(> P>8'A3@ (05 M >3@V D0(
K85 5A603 @086 E86 H(>?@44(>e A6' B>A@@8<0?(6 3 66 \$(0?<04?F(0?(5 0@
'(> B(3 66@. \$(E86 E0.(6?%/ -@ (6 M P>8'A3@ 5 (>35 4(6 M QA 40@"(6 M M >3(
A?FV E(>.40%/ (6 F(>' (6V D ? ?06' 44(? 16-8>5 @086(6 M F(4%/ (A3@ (A> (05
M >3@ \$> A%/ (6 M A5 ?0%/ (06(M(06A6. IA \$04' (6V J(5 (/> '0?(> 16-8>5 @08e
6(6 IA> V(>-C.A6. ?@ (/ (6 M ' (?@8 4(0%/ @(> 3 66 ?0%/ ' '(> W(@@\$(F(>\$ @ \$40(e
>(6V B>A@@8<0?(?06' M F(66 ?0(?%/86 K85<86(6@ (6 E86 0>. (6' @F ? ?(06
?844(6 M s / (>s(06(sK85<86(6@ (s' (>sW(>\$A6.V

B>A@@8<0?(E(>?%/ --(6 T> 6?< >(6I C\$(> '0(A6.(\$8@??(0@ (f '8>@ F8 .(e
5 (06? 5 (P>(0?40?@ (6 IA5 T> .(6 385 5 (6 M -C/>@ '0(A6.(\$8@??(0@ (T A?(6' (E86
A>03(46 05 A6.(\$8@V D0(? T> 6?< >(6I (>5 :.40%/ @ A%/ 34(06(>(6 A3e
@ (A>(6 M F(4%/ (?84%/ (16-8>5 @086(6 60%/ @ 44(06(/"@@(6 \$(F"4@0. (6 8' (> IA>
V(>-C.A6. ?@ (44(6 3:66(6 M (06(B(@ (040.A6. 06 '(> 5 >3@40%/ (6 AA?(06 6' (>e
? (@ IA6.V D 5 0@ (> / : / (6 ?84%/ (L0?@ (6 5 0@ B>A@@8<0?(6 ' (6 <8@ (6 I0(44(6 A6'
@ @?"% /40%/ (6 W(@@\$(F(>\$V AA->A6' '0(?(> 'A>%/ '0(P>(0?40?@ (-C> 44(IAe
."6.40%/ (6 B ?0? (6@?@ (/ @ '(> P>(0?F(@@\$(F(>\$ C\$(> '0(R \$ @@ (A6' S(>E0%(e
4(E(4?V

E06(V(>06\$ >A6. E86 B>A@@8<0?(6 -C/>@ 4?8 68%/ IA 3(06(> A6IA'"??0. (6
V(>06\$ >A6. \$(IC.40%/ ' '(> V(>3 A-?<0?(M ?84 6. ('0(' IF0?%/ (6 .(?%/ 4e
@ (@ (6 A3@ (A> (06 (06(> W(>@?%/ :<-A6. ?3(@@ (F(0@(>06 ->0 \$4(0\$(6 M '0(@ @e
?"% /40%/ (6 E6'E(>3 A-?<0?(. (. (6C\$(> '(> KA6'?%/ -@ 'A>%/ R \$ @@ (A6'
6' (> P>(0?. (?@ 4@A6. (6 ->(0 -(?@IA4(. (6V E? \$(?@ (/ @ 4?8 3(06 3 A? 4(> Z Ae
? 5 5 (6 / 6. IF0?%/ (6 B>A@@8e A6' E6'<0? M E8> 44(5 F(66 (06(IF(0@ (M
>3@?@A- (' IF0?%/ (6. (?%/ 4@ (@ 0?@V AA%/ ' ? BA6' (?E(>F 4@A6.?. (>0%/ 0?@
'(> M(06A6. M R \$ @@ (?(0(6 (06 F0%/ @0. (? E4(5 (6@ 05 W(@@\$(F(>\$ M @F F(66
(? -(?@ /"4@X mDA>%/ '0(06'0E0'A(44 A?. (/ 6' (4@ (R \$ @@. (F" />A6. 3 66 ' (?e
/ 4\$s6 % /sF0(sE8>s A%/sP>(0?F(@@\$(F(>\$s(6@?@ (/ (6Vn^{NQ}

E6@?<@(% / (6' 0?@ ' (> B>A@@8<0? 60%/ @ (06(K85<86(6@ (' (? V(>3 A-?<0?(? M
A6' ?8 0?@ '0(H(> A?. \$(E86 B>A@@8<0?40?@ (6 60%/ @ 06 ?(' (5 F 44 (06(V(>e
4(@ IA6. ' (? W(@@\$(F(>\$?V S0(3 66 IA (06(> V(>\$ (??(>A6. A6' (06(> SH6%/>8e
60?0(>A6. ' (? 16-8>5 @086??@ 6'? ' (> M >3@@ (046(/ 5 (6' (6 -C/> (6 M F ? F0(e
'(>A5 <8385<(@00E 0?@V D0(P> G0?"6'(>A6. '(> W(@@\$(F(>\$?\$(/ :> ' I(0. @
/0(> A- (06'>C%340%/ (W(0?(M F0('0(H06F(6'A6. IA -8>5 4(6 K>0@(>0(6 '0(
E06I(4- 44:3868503 A??(> B(@> % / @ 4"??@ A6' F0(?0%/ ' 'A>%/ ' ? K >@ (44. (e
? (@ Is 6@0385<(@00Es A?F0>3(6s3 66V

5. Gesamtabrede

AA%/ '0(G(? 5@ \$>(' 0?@ (06(E(>.4(0%/ ?F(0?(6(A(E>J6'A6. '(> W(@@\$(e F(>\$?385 50??086V E06(G(? 5@ \$>(' 40(.@ .(5"?? D(J60@086 ' 66E8W F(66 IF(0 K>0@(>0(6 3A5A4 @0E (>-C44@ ?06'X E? 40(. (6 I />(0%/ (E06I(4 \$>(' (6 A6' (06 (06/(0@40%/ (>W -8>@' A(>6'(> ZF(%3 '0(?(> A\$>(' (6 E8>W S06' '0(? V8>e A??(@IA6. (6 (>-C44@W 3:66(6 .>A6'?'@I40%/ 44(6'(> G(? 5@ \$>(' (@046(/e 5(6'(6 U6@(>6(/ 5(6 IA> V(> 6@F8>@A6. .(18.(6 F(>' (6I D0(S%/ F(0I 8>0e (6@0(>@ ?0%/ 6'(> (A>8<"0?%/ (6 P> G0? A6' R(%/@?<?<(%/A6.W 06 F(4%/ (> E86 m(06/(0@40%/ (> A6' -8>@. (?(@I@(> ZAF0'(>/ 6'4A6. (6n am?06.4(6' %86@06A8A? 06->06. (5 (6@nb .(?<>8%/ (6 F0>'V A44(>'06.? .(/@ A%/ /0(> '0(S%/ F(0I E0(4 F(0@(>s 4?S'0(sEUUV

D0(W(@@\$(F(>\$?385 50??086 / @ 05 F 44 LA-@-> %/@?<('0@A>((06(G(? 5@e \$>(' (IF0?%/ (6 -C6- 06@(>6 @086 4(6 LA-@-> %/@?<('0@A>(6 6.(685 5(6V D0(? (/"@@(6 ?0%/ C\$(>4"6. (> Z(0@ /06?0%/ @40%/ '(> B(4 ?@A6. E86 G(\$C/>(6 A6' ZA7%/4". (6 .(.(6C\$(> ' (6 KA6' (6 388>'060(>@V N %/ A6?0%/ @ '(> B(e /:>' (F"> (? m.(3C6?@ (4@mW (06 386@06A0(>40%/ (? V(>/ 4@ (6 IA I/>4(. (6 A6' \$(IC.40%/ 2('(> (06I(46(6 G(\$C/> A6' 2(' (? (06I(46(6 ZA7%/4 .(? IA 34">(6W 8\$ '0(? (2(F(04? -C> ?0%/ 44(06 G(. (6?@ 6' (06(> A6IA4"??0. (6 W(@@\$(F(>\$?e \$>(' (?0V T>8@I' (5 A6@(>?A%/ @ (?0(06 '0(? (5 F 44 2(' (? (06I(46(V(>/'4@60? IF0?%/ (6s' (6s06'0E0' A(44(6s@ (046(/ 5(6' (6sA6's' (5sG(? 5@3 >@ (44)^{NR}

D0(R(%/@?J.A> FA>' (-8>@ (6@F0%3(4@W A6' ?8 3 5 '0(W(@@\$(F(>\$?385 50?e ?086 ' > A-W ' ?? 60%/ @ (065 4 (06 E844?@"6'0. (> K86?(6? C\$(>?" 5@40%/ (T(04 ?e <(3@ (' ? K >@ (44? A6@(> ' (6 T(046(/ 5(>6 E8>40(. (6 5A??V AA??(>' (5 3:66(6 '0((06I(46(6 K >@ (4450@.40('(> B(?@ 6'@ (04('(> A\$>(' (A6@(>?%/0('40%/ 386e ?(=A(6@ A5?(@I(6 8'(> '0(U5?(@IA6. I(0@F(0?(. 6I A??(@I(6 f ?0(\$4(0\$(6 ' (668%/ T(046(/ 5(> '(> G(? 5@ \$>(' (A6' 3:66(6 A6@(> .(.(\$(6(6 U5e ?@"6' (6sIA>sV(> 6@F8>@A6.s. (18.(6sF(>' (6)^{NS}

AA%/ /0(> ?@ (44@ ?0%/ .(?@C@I@ A- ' (6 U6@(>?A%/A6.?.>A6'? @I '0(F> .(W F0(F(0@ '0(A\$34">A6. (6 '(> W(@@\$(F(>\$?385 50??086 .(/ (6 A6' 06F0(-(>6 '0(E(>5A@40%/ 6'(> G(? 5@ \$>?<?< %/ (T(046(/ 5(6' (6 m A@85 @0?%/n A6@(> '0(? (6(A R(%/@?J3@086 - 44(6V E? 0?@ 6"540%/ 68%/ 60%/ @ (>?@ (44@W F(4%/ (A3e @086(6'(> U6@(>6(/ 5(6 .(6C.(6' \$(.>C6' (6W ' ?? ?0(6 (06(> ?84%/ (6 A\$e >(' . > 60%/ @ @04.(685 5(6 / \$(6 8'(> A? 0/> A?.(?%/0(' (6 ?06'V AA? \$(F(0?>(%/ @40%/ (> S0%/ @ ?@ (44@ ?0%/ \$(0 '(> G(? 5@ \$>(' (eF03@086 ' (?/ 4\$ '0(F> .(W 8\$?0(IA (06(> B(F(074 ?@A53(/> -C/>@V D(66 (? ?%/ (06@ ?8W ' ?? U6e @(>6(/ 5(6 6(A 0/> (N0%/ @eM0@ F0>3A6. A6' ' 50@ 0/> (mU6?%/A4'n \$(F(0?(6

²⁶ RPWwsNLMO_NlsmQPsr II SPI

²⁷ RPWwsNLMO_NlsmQPsr II SQI

5C??@ (6V M0@ B(IA. A- '0(R(%/@??0%/ (>/ (0@ A6' '0(U6?%/A4'?E(>5A@A6.
3:66@ ('0(? 6(A(M \$0?/(> 60%/ @ .(34'">@ (R(%/@?-> .(6 A-F(>-(6V G(> ' (A?
' (>S(0@ (' (>U6@(>6(/ 5 (>?%/ -@ F0>' /0(> (06(.>A6'>(%/@?E>4(@I(6' (L8.03
mM0@.(. 6.(6sf sM0@.(- 6.(6nsE8>.(F8>-(6) ^{MT}

6. Staatsunternehmen

S@ @?A6@(>6(/ 5 (6 ?06' 3(06(R(%/@?(6@F0%34A6. 8' (> P> G0?"6'(>A6. 05
K >@ (44.(?(@IV S@ @?A6@(>6(/ 5 (6 ?06' O>. 60? @086?-8>5 (6 06 ' (6(6 '0(E>e
\$>06.A6. ' (> ?@ @40%/ (6 L(0?@A6.(6 6 %/ 5 >3@F0>@?%/ -@40%/ (6 P>06I0<0(6
(>-84.@V S@ @?A6@(>6(/ 5 (6 0?@ ' \$(0 (06 ?(/> F(0@(> B(.>0-- A6' A5- ??@ U6e
@(>6(/ 5 (6 06 ' (>6 44(060. (>I6/ \$(> ' (>S@ @ f BA6'"K 6@86(W G(5 (06' (6 f
0?@W F0>5 (6 05 5 (/>/(0@40%/ (6 B(?0@I ' (? S@ @(? 8' (> A%/ <>0E @ (U6@(>6(/e
5 (6 06 '0(/ A<@?"% /40%/ 8' (> 44(06 -C> '0(E>\$>06.A6. E86 ?@ @40%/ (6 L(0?e
@A6.(6 8<(>0(>(6V ZA> AA-?@ (44A6. ' (>S@ @?A6@(>6(/ 5 (6 -C/>@ ('0(05 N(F
PA\$40% M 6 .(5 (6@ -A6'0(>@ (Ü\$(>4(.A6.W '0(?@ @40%/ (6 L(0?@A6.?'>?@ (44A6.
4 ?? (?0%/ (-J I0(6@(> .(?@ 4@ (6 06 F(66 ?0(5 00 5 >3@F0>@?%/ -@40%/ (6 M0@@ (46 (>e
-84.(1s @F \$06sF8>5sE86s.(F0668>0(6@0(>@ (6sU6@(>6(/ 5 (6) ^{NU}

E? 40(. 06 ' (> N @A> ' (? 5 >3@F0>@?%/ -@40%/ (6 A3@ (A>?W A6@(> 6' (>(5 '0(
M G050(>A6. ?(06(> G(F066(IA ?A%/ (6V S8 '>"6.(6 S@ @?A6@(>6(/ 5 (6 4?
U6@(>6(/ 5 (6 05 5 (> F(0@(> 06 M">3@ (06 06 ' (6(6 P>0E @A6@(>6(/ 5 (6 @'"@0.
?06'V A6 ?0%/ FC>' (?0%/ ' ? <>838 5<(@00E A?F0>3(6V P>8\$4(5 @0?%/ F0' (?W
F(66 S@ @?A6@(>6(/ 5 (6 0/>@ ?@ @40%/ (6 V8>@ (04(IA4 ?@ (6 ' (>P>0E @ (6 (06e
?(@I(6 8' (>A5 '0(P>0E @ (6 A? ' (5 M >3@ IA '>"6.(6V ZA '0(? (6 V8>@ (04(6
.(/>:(6 '0('0>(3@ (A6' 06'0>(3@ (QA(>?A\$E(6@0860(>A6. 0/>(>T"0.3(0@ (6 0(
05<40I0@ (8' (> (G<40I0@ (S@ @?. > 6@0(W ' (> (06- %/ (>@ A6' .C6?@0. (> (ZA. 6.
IA sK <0@ 4sA6'sE8>s 44(5s' (>s<840@0?%/ (sE06KA??V

N(\$ (6 '0(? (6 F(@@\$(F(>\$40%/ (6 B(' (63(6 06 '0(50@ ' (> (0.(6@C540%/ (6 N @A>
' (>S@ @?A6@(>6(/ 5 (6 IA? 55 (6/"6.(6 06 \$(?@ (/ (6 F(0@(> (V8>\$ (/ 4@ (06e
?@0@A@086(44(> N @A> IA5 U5. 6. ' (>W(@@\$(F(>\$?\$(/ :>' (50@ S@ @?A6@(>e
6(/ 5 (6V S%/86 06@A0@0E 0?@ 60%/ @ ' E86 A?IA.(/ (6 06 ' ?? '0(?@ @40%/ (6 W(@@e
\$(F(>\$?385 50??086 A6' '0(?@ @40%/ (6 G(>0%/ @ (\$(?86' (> ?@>03@ .(.(6
S@ @?A6@(>6(/ 5 (6 E8>.(/ (6V E? 0?@ A6F />?%/ (0640%/ W ' ?? ?0%/ '0(E(>?%/0(e
' (6(6 A\$@ (04A6.(6 ' (? .4(0%/ (6 S@ @ (? ?@>03@ (386@>8440(>6W IA5 4 (? IF0e
?%/ (6 06 (6 3(06 m%/ (%3? 6' \$ 4 6% (?n .0\$@V D0(? (16@A0@086 F0>' ' 66 A%/
(5<0>0?%/ \$(??"@0.@X D0(W(@@\$(F(>\$?385 50??086 <K(.@ (06(?(/> F8/4F84e
4(6' (sP> G0?s.(. (6C\$(>sS@ @?A6@(>6(/ 5 (6sf s5 0@sAA?6 / 5 (s' (>sSF0??%85V

²⁸ S%/6(0' (>1sG(? 5@ \$>(' (\$05sVW(@@\$(F(>\$?>(%/ @1sRTU --V

²⁹ E06(sG>A6'4(.A6.s' (?sP>8\$4(5?s(>-84.@s\$(0?<0(4?F(0?(\$06sKC/406._R(06/84'_W(%31sPSN --V

E06 \$(?86'(>? \$(06'>A%3(6'(? B(0?<0(4 -C> '0(? W8/4F844(6 0?@ '(> F 44
mB ?(4 G @ (F H N8>'nW (06 ZA? 5 5 (6?%/4A??E8>/ \$(6 E86 '(> ?@ @40%/ (6
SBB 50@ '(>6 U6@(>6(/ 5 (6 HA< % A6' R(@ / 5 66 IA> E>?@ (4A6. (06(? @>0 58e
' 4(6 T(>506 4? -C> ' (6 V(>3(/> 06 B ?(4W M0@ ' (6 5 ??0E(6 Ü\$(>3 < I0@"e
@ (6W '0('8>@ .(?% / --(6 F(>' (6W F(>' (6 P>0E @ (A? ' (5 M >3@ E(>'>"6.@V D0(
W(@@\$(F(>\$?385 5 0??086 .0\$@ IF > IAW ' ?? ' 50@ '(> F0>3? 5 (W(@@\$(F(>\$
@ (04F(0? (\$(? (0@0 .@ F0>'V^{OL} S0(4"??@ ' (6 ZA? 5 5 (6?%/4A?? @>8@I' (5 IAW A4? ' e
. (. (6 B(?% / F(>' (\$(05 BA6' (> @ 06. (4(.@ FA>' (W \$(- 6' '0(?(> 4? EG(3Ae
@0E(' (? S@ @ (? A6' E0. (6C5 (> ' (> ?@ @40% / (6 SBBW '0(?@ @40% / (W(@@\$(e
F(>\$?385 5 0??086s / " @@ (s\$(IC.40% / s' (?s?@ @40% / (6sP>82(3@s>0% / @0.s. (/ 6' (4@V

AA% / 05 K4(06(6 I(0.@ '0(W(@@\$(F(>\$?\$(/ :>' (S8A<4(??(. (. (6C\$(> S@ @?e
A6@(>6(/ 5 (6V ZA5 B(0?<0(4X A4? ' ? E4(3@>010@""@?F>3' (? K 6@86? S% / --/ Ae
?(6 AG aEKSb KA6' (6' @ (6 A? ' (5 M868<84\$(>0% / F0' (>(% / @40% / (06?@ (I@ (W
A5 S84 > 64 . (6 IE>3 A-(6W E(>58% / @ (? \$0? IA (06 D>0@@ (4 ' (? >4(E 6@ (6
M >3@ (? -C> ?0% / IA . (F066(6V D ? BA6' (? 5@ -C> E6(>.0(\$C??@ (?8. > EKSe
K ' (>50@ >\$@ (6' (F. (6 M0??\$> A% / ? E86 KA6' (6 ' (>??(6 A? ' (5 M868e
<84\$(>0% / V D8% / 06 ' (> F(@@\$(F(>\$40% / >4(E 6@ (6 S % / (F844@ ('0(W(@@\$(e
F(>\$?385 5 0??086s60% / @s(065 4s(06sV(>- />(6s(>:--6(6V^{ON}

E6@?% / (0' (IA5 F(0@(>(6 U5. 6. 50@ S@ @?A6@(>6(/ 5 (6 3:66(6 ' (? / 4\$
6A>E86 ' (>EG(3A@0E(A6' ' (>L(.0?4 @0E((>F >@ (F F(>' (6V D0(->(0(A>S0@> . (
' (> S@ @?A6@(>6(/ 5 (6 IF0?% / (6 M >3@ A6' S@ @ F0>3@ ?0% / <8\$4(5 @0?% /
A- '0(W(@@\$(F(>\$?-" / 0.3(0@ ' (> S% / F(0I A?W D0(O>. 60? @086 -C> F0>@e
?% / -@0% / (ZA? 5 5 (6 >\$@ (A6' E6@F0%34A6. OECD ?@ (4@ 06 0 /> (5 B(>0% / @
IA> S% / F(0I NLNM (06(\$(?86' (> <8\$4(5 @0?% / (L . (- (?@V D0(S% / F(0I . (e
 / :>@ IA>K4 ??(' (>?% / 4(% / @ (?@ (6 G8E(>6 6% ('0(?(>U6@(>6(/ 5 (6V^{ON} S(0J / e
>(6 F(>' (6 < >4 5 (6@ >0?% / (V8>?@:??(IA S@ @?A6@(>6(/ 5 (6 (06. (>0% / @V
S0(?% / (0@(>6 2('8% / / "AJ. 6 ' (> A6@(>?% / 0('40% / . (4. (6(6 A6' \$(IC.40% /
S@ @?A6@(>6(/ 5 (6s-> . 5 (6@0(>@ (6sI6@(>??(64 . (6s0 5sP >4 5 (6@V

III. Zukunft: Der Inhalt dieses Sammelbandes

D0(/ 0(> E8>. (685 5 (6(W 3A>?8>0?% / (Ü\$(>?0% / @ C\$(> E6@F0%34A6. (6 ' (>V(>e
. 6. (6(/ 0@ A6' G. (6F >@ . (\$ (6 ' (6 68@F(6'0. (6 H06@(>.>A6' -C> '0(E06e
8>'6A6. '0(?(? S 5 5 (4\$ 6' (?V E> / (0??@ mNQ J /> K >@ (4. (?@I f (06 3>0@0e
?% / (> AA?\$40%3nV D 50@ . (/ @ (? / 0(> (06(>?@0? A5 '0(WC>'0.A6. ' (? 6A65 (/>

30 RPWsNLNL_NIsRQT --/

31 E06(PA\$403 @086' (? E6@?% / (0' ? 06 RPW 0?@ 68% / <(6' (6W 44(06 P>??(\$(>0% / @ (' IA ?@ (/ (6
' (>SÖ--(6@40% / 3(0@s IA>sV(>-C.A6.V

32 OECDIIsNLNMsE%868 5 0%R(EI(Fs8-sSF0@I(>4 6' IsP >0?sNLNMsM --/