



ECN Brief

ECN Brief 02/2012

Welcome to the May 2012 issue of the ECN Brief

Table of contents

Enforcement & Cases

Legislation & Policy

Other issues of interest

ECN Members' websites

ECN statistics

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version of the ECN Brief*

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Any reactions, comments, ideas, suggestions for the improvement of this Brief are very welcome and should be sent to the following address comp-ecn-brief@ec.europa.eu

Dear Reader,

This is the twelfth issue of the ECN Brief which is a publication of the European Competition Network (ECN). The ECN is a network of the Member States' competition authorities (NCAs) and the European Commission (DG Competition). The ECN Brief aims to inform you about the activities of the ECN and its members and to reflect the richness of enforcement actions and advocacy in the Network. It focuses on news of major interest about EU competition law and policy. The present edition covers news from February to May 2012.

The present issue reports about a large variety of enforcement actions, notably a range of decisions imposing fines in cartel cases or finding abuses of dominance. It further contains new developments and discussions about potential changes in several Member States' competition enforcement regimes. This issue also flags a Resolution of the Heads of the European Competition Authorities on the Protection of leniency material in the context of civil damages actions as well as the recent ECN reports on competition enforcement in the Food and the Payments sectors.

More news about the activities of the ECN and its members will be published mid-July 2012. In the meantime, we wish you interesting reading!

DISCLAIMER:

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ENFORCEMENT & CASES

AUTHORITIES

- **Denmark:** Network Sharing Agreement in Telecoms Sector
- **France:**
 - Endives Growers fined
 - French and German Millers fined
 - Fines in Pet Food Sector
- **Germany:** Cartel Proceedings concluded in the Chemical Sector
- **Greece:** Commitments in Digital Satellite Pay-TV Case
- **Italy:** Fines imposed on Maritime Agents' Cartel
- **Latvia:** Riga Airport abuses Dominant Position
- **The Netherlands:** Fines on Flour Producers revised
- **Poland:** Commitments in Abuse Case in Gas Sector
- **Spain:**
 - EGEDA fined for abusive Fees
 - ENDESA abuses Dominant Position
- **United Kingdom:** BA fined in Fuel Surcharge Case
- **ESA:** Ferry Company fined

COURTS

- **Austria:** Cartel Court imposes Fines on Breweries
- **Hungary:** Decision against Road Construction Cartel confirmed
- **Lithuania:** Supreme Court upholds Authority's Decision in Insurance Case
- **Portugal:** Supreme Court confirms Authority's Position on Oral Hearings
- **Slovakia:** Supreme Court upholds Fine in Railway Case
- **Sweden:** Court imposes Fines on Bus Cartel in Package Tour Sector

Denmark: Aviation Legislation prevents Competition at Copenhagen Airport

The Danish competition Council has requested the Minister of Transport to consider a change to the aviation legislation that will enable competition in this area.

[Read more](#)

Germany: Green Light for current Marketing Model of Football League Media Rights

The Authority accepted commitments to ensure competitive access to a number of league packages for live broadcasting and highlights' coverage.

[Read more](#)

Greece: Antitrust Infringements fined in Salty Snacks Market

A dominant snacks producer implemented between 2000 and 2008 a policy to exclude its competitors from the distribution channel of smaller retailer outlets and to limit their growth possibilities.

[Read more](#)

Slovenia: Abuse of Dominant Position in Mobile Telecommunications Market

Telekom Slovenije was found to have fixed prices below costs for a package directed to the youth segment, in view of strengthening or preserving its market power on an important part of the retail mobile telecommunications market.

[Read more](#)

Portugal: Reference for Preliminary Ruling in Liberal Professions Case

The Commercial Court seeks clarification on the interpretation of EU competition law and Articles 56 et seq. TFEU, namely on their application to professional associations and their rules on professional training.

[Read more](#)

Slovakia: Reference for Preliminary Ruling in Banking Case

The Supreme Court wishes to know whether it is relevant for the application of Article 101 TFEU that the company company targeted by the behaviour was acting on the market without the necessary authorisation.

[Read more](#)

LEGISLATION & POLICY

- o **Austria:** Proposal for Amendment of Competition Law
- o **Bulgaria:** Amendments to Regulatory Framework for Veterinarians
- o **Finland:** New Steering Group to assess Possibility of merging Competition and Consumer Authorities
- o **Germany:** New Guidance on substantive Merger Control
- o **Lithuania:** New Version of Law on Competition adopted
- o **The Netherlands:**
 - Market Study on Estate Agents
 - New Prioritization Guidelines
- o **Portugal:** Recommendation to Mobile Operators on Prices of Call Origination to special Services and non-geographic Numbers
- o **Romania:**
 - Opinion on Amendments to Law on Taxi Services
 - Liberalisation of Motor Vehicles Spare Parts Sector proposed
- o **Spain:** Authority publishes Report on Bill to create National Markets and Competition Commission
- o **Sweden:** Government initiates Inquiry into Competition Legislation
- o **United Kingdom:**
 - Consultation on Competition Act Procedures Guidance launched
 - OFT refers private Healthcare to Competition Commission

Ireland: New Competition Bill before Parliament

The Bill significantly amends the Irish competition law and increases the powers of the Competition Authority. One main novelty is that the resolution of competition problems by commitments can be made binding and enforceable in civil law.

[Read more](#)

Portugal: New Competition Act published

The new Portuguese Competition Act was published on 8 May 2012 and will enter into force on 7 July. It replaces both the Competition Act of 2003 and the Leniency Act of 2006.

[Read more](#)

United Kingdom: Competition Regime Reforms announced

The Government is proposing to create a new Competition and Markets Authority that will bring the Competition Commission and the OFT's competition functions into a single organisation and reform its competition toolkit.

[Read more](#)

• ECN Heads of Authorities endorse Resolution

On 23 May 2012, at the meeting of the heads of competition authorities, a joint resolution was agreed on the Protection of leniency material in the context of civil damages actions.

[Read more](#)

• ECN Information Paper on Competition Enforcement in Payments Sector in EU published

This overview of the work done by EU competition Authorities was published as background information to the Green paper 'Towards an integrated European Market for card, internet and mobile payments'.

[Read more](#)

• ECN Report on activities of Competition Authorities in Food Sector published

The report provides detailed information and findings on how competition works in the food sector on the basis of the most recent enforcement and monitoring actions undertaken by national competition authorities and the Commission in this area.

[Read more](#)

OTHER ISSUES OF INTEREST

EVENTS

- **Hungary:** Two new Sections at the Competition Authority
- **Lithuania:** Competition Council changes Office Location
- **Poland:** Report on Conference: More effective Ways for Market Protection - Time for Changes in Polish Law?

Personalia

- **Finland:** Temporary Director General at Competition Authority
- **Greece:** New HCC Board Members
- **Ireland:** Competition Authority appoints new Members
- **Luxembourg:** Composition of the new Competition Council
- **United Kingdom:** OFT CEO to step down later this year

Annual Reports

- **The Netherlands:** Annual Report 2011 available on-line

Link to the Annual Reports of all ECN Members

Cyprus: European Competition Day

The Commission for the Protection of Competition (CPC) will organize, under the aegis of the EU Presidency in the second half of 2012, an event to celebrate the European Competition day. This event will be held in Nicosia on 2 October 2012. The programme and further details will be published in due course on the official website of the CPC.

Slovakia: Fifth annual FTC - Eastern European Competition Workshop in June

The Workshop on investigation of agreements and abuses of dominant position organized by the US Federal Trade Commission in cooperation with the Antimonopoly Office of the Slovak Republic will be held on 20 and 21 June 2012 in Bratislava.

[Read more](#)

Norway: Annual Competition Law Conference in June

On 6 June 2012, the Norwegian Competition Authority will host its annual conference on competition law in Bergen. The conference will address a number of key issues concerning the objective of effective enforcement of competition law on one hand and the protection of the procedural rights of market players on the other hand.

[Read more](#)

CONTACTS

ECN STATISTICS

Access to Commission Cases

[ECN members' websites](#)

Number of envisaged decisions by national competition authority; types of envisaged decisions etc.:

<http://ec.europa.eu/competition/ecn/statistics.html>

[Case search](#)