



ECN Brief 04/2013

# ECN Brief

Welcome to the October 2013  
issue 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](mailto:comp-ecn-brief@ec.europa.eu)

## Dear Reader,

This is the 20th 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.

This issue covers news from June to October 2013. Next to reporting on a broad range of enforcement cases and other inquiries, it includes important institutional news. The new Belgian competition authority, the Belgische Mededingingsautoriteit/Autorité belge de la Concurrence (BMA-ABC) and the new Spanish authority Comisión Nacional de los Mercados y la Competencia (CNMC) started operations. The UK's new Competition and Markets Authority was launched in shadow form before going live in April 2014.

Latvia is set to become the 18th Member State to adopt the euro as its currency on 1 January 2014, and the Latvian Competition Council has stepped up antitrust vigilance during the changeover phase.

More news about the activities of the ECN and its members will be published in December 2013. In the meantime, we wish you interesting reading!

## DISCLAIMER:

This publication is a compilation of contributions from national competition authorities of the European Union and the Competition Directorate General of the European Commission ("the Authorities"). Information provided in this publication is for information purposes only and does not constitute professional or legal advice. The content of this publication is not binding and does not reflect the official position of any Authority. Neither any Authority nor any person acting on its behalf is responsible for the use which might be made of information contained in this publication.

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# ENFORCEMENT & CASES

## AUTHORITIES

- **Croatia:**  
Abuse Cases opened against Croatian Telecom and Croatian Post
- **Germany:**  
BKartA expresses Concerns about Best Price Clauses for Operator of Internet Platform
- **Hungary:**  
Fines imposed on two Cable Operator Associations
- **Ireland:**  
Authority initiates proceedings against Doctors' Organisation
- **Slovakia:**  
Fines for Abuse of Dominant Position in Freight Rail Transport Market
- **Spain:**
  - Collecting society AGEDI fined
  - CNC fines Companies in Tangerines Sector
- **United Kingdom:**  
Statement of Objections sent to Sports Bra Supplier and UK Department Stores

## COURTS

- **Austria:**  
Cartel Court imposes Fine in Milling Industry
- **Lithuania:**  
Court upholds Authority's Decision in Cash Handling and Cash in Transit Case on Infringement but reduces Fines

### **Belgium: Fines for Collusion between Cement Producers**

On 30 August 2013, the Council decided that the large Belgian cement producers, their trade association and the National Center for technical and scientific research for the cement industry had infringed Article 101 TFEU and the national equivalent: they were found to have colluded with the aim of delaying the adoption of a licence and of standards making it possible to use an alternative to cement as a component of ready-mix concrete.

[Read more](#)

### **France: Autorité de la Concurrence accepts Commitments from Four Shipping Companies to revive Competition on Northern Europe-Antilles Sea Routes**

The shipping companies undertook to modify or abandon certain restrictive terms included in the Slot Charter Agreement under which they lease several slots aboard their container ships to their competitors on the Northern Europe-French Antilles sea routes.

[Read more](#)

### **Portugal: Authority fines Sport TV for Abuse of Dominant Position**

On 20 June 2013, the Portuguese Competition Authority issued a decision fining Sport TV for the abuse of its dominant position in the premium sports pay-tv market. It concluded that Sport TV engaged in price discrimination on the downstream audio-visual market, especially the pay-tv market, from 2005 to April 2011, thereby infringing Article 102 TFEU and its national equivalent.

[Read more](#)

### **European Courts: General Court upholds Legality of Inspections at Deutsche Bahn Premises**

The Court ruled that the Commission may carry out inspections based solely on a Commission decision and that they do not require prior authorisation by a judge. The Court also confirmed that the rules on inspections set out in Regulation 1/2003 do not violate fundamental rights, as the Regulation provides for sufficient protection of the company's rights of defence.

[Read more](#)

# LEGISLATION & POLICY

- **France:**  
Autorité submits Initial Assessment of Medicinal Distribution Sector to Public Consultation
- **Germany:**  
Market Transparency Unit for Fuels now operational
- **Hungary:**  
Launch of Sector Inquiry into on-line Hotel Reservations
- **Italy:**  
Results of Sector Inquiry into Retail Distribution published
- **Latvia:**  
Inquiry into Textbook Market concluded
- **The Netherlands:**
  - ACM works on revised Procedures for Inspection of Analogue and Digital Data
  - Elaboration of Position Paper on Competition & Sustainability
- **Poland:**  
UOKiK publishes Report on Public Procurement
- **Portugal:**  
Study on Digital Terrestrial Television (DTT) published
- **Romania:**  
Final Report of Sector Inquiry into Market for Construction of Roads and Highways
- **Spain:**  
CNC Discussion Paper on Impact of Town Planning Interventions in Land Market
- **Sweden:**  
Results of Inquiry into Swedish Banking and Financial Sector published

## **Estonia: Competition Act amended**

The amended legislation sets out detailed rules enabling the Competition Authority to approve binding commitments in proceedings related to infringements of EU and national competition law. The amendments also provide a legal basis for ordering interim measures in Article 101 and/or 102 TFEU cases.

[Read more](#)

## **Hungary: New Rules for Leniency Applicants**

On 11 July 2013, the GVH published a revised version of its Leniency Explanatory Notes and Application Form for Leniency. The revision is based on practical experience drawn from the current leniency system and takes into account recent changes in the GVH's organisational structure.

[Read more](#)

## **Latvia: Competition Council intensifies Prevention and Control Activities during Euro Introduction Phase**

On 1 January 2014, Latvia will replace its currency, the Lats, with the euro. In line with other public institutions in Latvia, the Competition Council of Latvia has intensified its activities to prevent price increases that could be caused by infringements of competition law during the period of the introduction of the euro.

[Read more](#)

## **Spain: New National Markets and Competition Commission becomes operational**

On 7 October 2013 the CNMC, which merges the Competition Authority with several sectoral regulators, started operations.

[Read more](#)

## **United Kingdom:**

### • **New Competition Authority comes into Existence**

The UK's new unified competition body, the Competition and Markets Authority (CMA), was launched on 1 October 2013 in shadow form before going live in April 2014. The CMA will bring together the Competition Commission (CC) with the competition and certain consumer functions of the Office of Fair Trading (OFT).

[Read more](#)

### • **OFT publishes new Leniency Guidance**

On 8 July 2013, the Office of Fair Trading published revised and detailed leniency guidance aimed at providing a clear and practical framework for leniency applications, including a policy of not requiring legal professional privilege waivers as a condition of leniency.

[Read more](#)

# OTHER ISSUES OF INTEREST

## EVENTS

- **Germany:**  
Working Group on Vertical Restraints
- **Italy:**  
Seminar on Sports and Competition Law
- **Lithuania:**  
Report on Competition Day
- **Poland:**  
Debate on Competition in Public Procurement
- **Slovakia:**  
Workshop on Heating System

## European Commission hosts European Competition Forum on 11 February 2014

Joaquín Almunia, Vice-President of the European Commission, will host the third European Competition Forum in Brussels. This edition will examine some of the challenges facing modern competition policy. The three main topics on the agenda will be: Taxation and competition policy, competition challenges for telecoms in single market, and a session commemorating ten years of competition enforcement under Regulation 1/2003 and looking forward to the next decade.

The one-day conference will take place in Brussels, and will be web-streamed live from the Forum's website. The programme is being prepared. Registration will open in the coming weeks.

[Read more](#)

### Annual Reports

- **Czech Republic:** Annual Report 2012
- **France:** Annual Report 2012
- **Lithuania:** Annual Report 2012
- **United Kingdom:** Annual Report 2012-2013

[Link to the Annual Reports of all ECN Members](#)

### Personalia

- **Belgium:** New Board of Directors appointed and Assessors designated at new Competition Authority
- **Lithuania:** Two Council Members appointed
- **Portugal:** New Board at the Competition Authority
- **Spain:** CNMC Council Members and Directors appointed
- **United Kingdom:** CMA Executive Board Members appointed
- **European Commission:** New Chief Economist at DG Competition

## CONTACTS

ECN members' websites

## ECN STATISTICS

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

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

## Access to Commission Cases

Case search