



ECN Brief 03/2014

# ECN Brief

Welcome to the July 2014  
issue of the  
ECN Brief

## Table of contents

Enforcement and Cases

Legislation and Policy

Other issues of interest

ECN Members' websites

ECN Statistics

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version of the ECN Brief*

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## Dear Reader,

This is the 24th 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 informs about the activities of EU competition authorities before the summer break: the reported enforcement actions cover a wide range of sectors such as music copyright management, medicines and insurance. On the side of the legislative, policy and advocacy activities, the Communication of the Commission on Ten Years of Antitrust Enforcement under Regulation 1/2003: Achievements and Future Perspectives, takes stock of the case practice of the ECN and sets out areas for action. The Commission notably aims to further strengthen the position and resources of NCAs and ensure that they have effective powers. This issue also announces the next European Competition Day which will take place in October in Rome.

More news about the activities of the ECN and its members will be published in October 2014. In the meantime, we wish you a nice summer and interesting reading!

#### DISCLAIMER:

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# ENFORCEMENT & CASES

## AUTHORITIES

- o **France:**
  - Autorité de la concurrence receives Commitments from Nespresso to lift alleged Barriers to Entry for other Coffee Capsule Manufacturers
  - Autorité receives Commitments from SNCF to make its Website voyages-sncf.com and competing Travel Agencies subject to similar Conditions in Train Ticket Distribution Sector
  - Fines on SFR and SRR for Abuse in Mobile Telephony Sector
- o **Ireland:**
  - Competition Authority secures High Court Undertakings from Irish Medical Organisation
- o **Luxembourg:**
  - Competition Authority renders binding Commitments offered by Chamber of Experts abandoning the Use of hourly Fees
- o **Sweden:**
  - Competition Authority closes Investigation of former legal Monopolist's Refusal to grant Access to Online Ticket Sales Distribution Channel
  - Bodybuilding Association changes Application of Loyalty Clause

## COURTS

- o **Austria:**
  - Fines imposed for Vertical Restrictions and Restriction of Online Sales
  - New Decision imposing Fines in Building Insulation Case
  - Further Fines imposed for Resale Price Maintenance in Food Sector
- o **Portugal:**
  - Competition Court upholds Competition Authority Decision fining Sport TV for Abuse of Dominant Position

### **Greece: Fines imposed on Undertakings active in Production and Distribution of Poultry Meat**

On 2 July 2014, the Hellenic Competition Commission published a decision in which it found that, between 1996 and 2010, 13 undertakings active in the poultry-meat sector in Greece, as well as the sector's association, coordinated their behaviour to fix the selling prices of fresh and frozen poultry meat, per category of product and per distribution channel downstream (wholesalers, super-markets, butchers, rotisseries) and engaged in market-sharing by allocating customers, with a view to stabilizing their price-fixing agreements.

[Read more](#)

### **Italy: The Competition Authority issues Commitment Decision in Insurance Sector**

On 20 May 2014, the Authority issued a decision making binding commitments made by major insurance companies to set aside the vertical restrictions, which could hinder the development of networks of brokers offering the services of several insurers. The Authority considers that this would foster rivalry between insurance companies and spur price competition in markets where competitive dynamics have long been sluggish.

[Read more](#)

### **The Netherlands: Copyright Collecting Society commits to offer more Options in Music Copyright Management**

Buma/Stemra will make the copyright management system simpler, more flexible, and more accessible for composers and songwriters: they will have more choice as to which categories of rights they wish to transfer to the copyright collecting society.

[Read more](#)

### **European Commission fines Servier and five generic Companies for curbing Entry of cheaper Versions of cardiovascular Medicine**

On 9 July 2014, the Commission imposed fines totalling € 427 696 508 on the French pharmaceutical company Servier and five producers of generic medicines – namely, Niche/Unichem, Matrix (now part of Mylan), Teva, Krka and Lupin – for concluding a series of deals all aimed at protecting Servier's bestselling blood pressure medicine, perindopril, from price competition by generics in the EU. Through a technology acquisition and a series of patent settlements with generic rivals, Servier implemented a strategy to exclude competitors and delay the entry of cheaper generic medicines to the detriment of public budgets and patients in breach of EU antitrust rules.

[Read more](#)

# LEGISLATION & POLICY

- o **Denmark:**  
Analysis of Competition and Productivity in the Danish Retail Sector
- o **Estonia:**  
Competition Authority recommends more Transparency in Funding of Medical Treatments
- o **Hungary:**  
Direct Consumer Benefits from GVH's Activities: a lucrative Investment for Tax-Payers
- o **Latvia:**  
Competition Council launches Public Consultation on Case Prioritisation Strategy
- o **Romania:**  
Beer Market under Scrutiny by Competition Council
- o **Slovenia:**  
Amendments to Competition Act
- o **Slovakia:**
  - Revised Competition Act enters into Force
  - Report on Provision of Financial Services to SMEs, local Municipalities and Households in Slovak Republic
- o **United Kingdom:**
  - Competition and Markets Authority finalises Changes to increase Competition in Private Healthcare
  - Competition and Markets Authority sets out Changes for Private Motor Insurance
  - Payday Borrowers pay Price for Lack of Competition

## **Greece: Competition Commission adopts Decision defining Terms, Conditions and Procedure for accepting Commitments**

The Decision adopted on 16 April 2014 by the Hellenic Competition Commission codifies and streamlines the current administrative practice and focuses on accelerating the procedure and making it more efficient. It also clarifies the type of cases eligible for commitments so that the most appropriate procedural route is chosen in terms of the public interest and competition policy.

[Read more](#)

## **Sweden: Competition Authority supports Reform of Court Structure for Competition Cases**

The Swedish Competition Authority expressed its support for a government proposal according to which competition law cases should be heard by newly created Patent and Market Courts within the framework of the general court system.

[Read more](#)

## **European Commission adopts:**

### **• Communication on 'Ten Years of Antitrust Enforcement – Achievements and future Perspectives'**

On 9 July 2014, the Commission adopted a Communication identifying areas for action to enhance the enforcement of EU antitrust rules by national competition authorities (NCAs). Based on ten years of experience, the Commission aims to further strengthen the position and tools of the NCAs. The Communication sets out priority areas where further progress is necessary.

[Read more](#)

### **• White Paper 'Towards more effective EU Merger Control'**

On 9 July 2014, the Commission adopted a White Paper on proposals to improve EU merger control. The White Paper deals with three main topics: non-controlling minority shareholdings, the EU referral system and convergence.

[Read more](#)

### **• Revised Safe Harbour Rules for Minor Agreements**

On 25 June 2014, the Commission adopted a revised Notice on agreements of minor importance (De Minimis Notice) accompanied by a Staff Working Document providing guidance on restrictions of competition by object.

[Read more](#)

# OTHER ISSUES OF INTEREST

## EVENTS

- **Bulgaria:**  
Fourth Meeting of Sofia Competition Forum under Auspices of UNCTAD Secretary General
- **Czech Republic:**  
Office for Protection of Competition hosted 2014 ECA Meeting in Prague
- **Latvia:**  
Competition Council organised 2nd Lawyers' Forum
- **Poland:**  
OCCP hosted Decentralised Lunch Talk
- **Slovakia:**  
Memorandum of Cooperation between Czech Office for Protection of Competition and Antimonopoly Office of Slovak Republic

### Italy: European Competition Day in Rome on 10 October 2014

The Italian Competition Authority will host the next European Competition Day in October 2014, which will also mark the Authority's 24th anniversary.

[Read more](#)

### Lithuania: Competition Conference in Vilnius in September 2014

On 10 September, the Lithuanian Competition Council, together with Vilnius University, will organize the 11th Baltic Competition Conference on 'Competition Enforcement: Trends and Case-Studies'. The core themes of the conference are: economic analysis in vertical agreements, competition enforcement in internet-based trade and the concept of a single economic unit in bid-rigging cases. The keynote speech will be delivered by Richard Whish, Professor Emeritus at King's College London, QC. Attendees will include high-level representatives from academia, EU competition authorities, the OECD and the corporate sector.

[Read more](#)

### Annual Reports

- **Slovakia:** Annual Report 2013 published

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

### Personalia

- **Hungary:** New Member appointed to the Decision-Making Body of the GVH
- **Poland:** Appointment of two new Vice-Presidents of OCCP

## 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

## Training of Judges

- 2014 Call on 'Training of national Judges in EU Competition Law and judicial Cooperation': Deadline approaching
- Info day on Training of Judges Programme