



# ECN Brief

ECN Brief 01/2012

## Welcome to the February 2012 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 eleventh 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 focuses on news of major interest about EU competition law and policy.

The present edition, which covers news from December 2011 to February 2012, reflects once again the richness of enforcement action and advocacy in the Network. This underlines the crucial role played by the NCAs in making competition enforcement more effective. In this issue, we report about several enforcement cases directly relating to consumer products, including detergents, pharmaceutical products and fruits and vegetables, showing the importance of competition policy for consumers. The Legislation and Policy section contains a wide range of news covering the adoption of new fining guidelines in several Member States, revised Leniency guidance, advocacy initiatives as well as information about inquiries carried out in manifold sectors.

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

#### DISCLAIMER:

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# ENFORCEMENT & CASES

## AUTHORITIES

- o **Bulgaria:** Investigation in Motor Vehicles Sector
- o **Denmark:** Terms of Use at Copenhagen Airport found discriminatory
- o **France:** Non-Compliance with Interim Measures fined
- o **Germany:** Dishwasher Detergent Manufacturer fined
- o **Italy:** Poste Italiane abuses Dominant Position
- o **The Netherlands:**
  - Industrial Laundry Cartel fined
  - Commitments in E-Book Case
- o **Poland:** Mobile Operators' Cartel fined
- o **Romania:**
  - Fines imposed on pharmaceutical Companies
  - Oil Companies fined
- o **Slovak Republic:** Detergent Cartel fined
- o **Spain:**
  - Associations of Agricultural Producers and Traders fined
  - Cartel of Manufacturers and Traders of Fruits and Vegetables Containers fined
  - Margin Squeeze fined in Telecom Case

## COURTS

- o **Austria:**
  - Interim Measures in Railway Case
  - Authority's Powers of Inspection clarified
- o **Czech Republic:**
  - Constitutional Court rules in Telecom Case
  - Court confirms Decision on Lignite Export Ban
  - Pre-Accession Cartels shall not go unpunished
- o **France:** Supreme Court confirms Autorité's Interpretation of Effect on Trade Concept

### France: Cartel of four major Detergent Manufacturers fined

The cartel participants were found to have coordinated their commercial strategies through a common determination of sale prices and rebates directed at the French retail grocery sector.

[Read more](#)

### Italy: Practices to delay Market Entry of Generics are anti-competitive

On 11 January 2012, the Italian Competition Authority imposed a fine of € 10 677 706 on the multinational pharmaceutical group Pfizer for violation of Article 102 TFEU.

[Read more](#)

### The Netherlands: Authority reaches Final Decision in Mobile Operators' Case

Following a lengthy court procedure, the authority confirms that the three biggest Dutch mobile operators have engaged in a cartel by exchanging information on their "standard dealer remunerations".

[Read more](#)

### Austria: Supreme Cartel Court asks European Court of Justice for Ruling in Freight Forwarding Case

The questions seek to clarify whether a fine may be imposed against an undertaking infringing Article 101 TFEU when it made an excusable error of law and whether Regulation 1/2003 confers the power of finding an infringement on NCAs with regard to an undertaking enjoying immunity from fines under a leniency programme.

[Read more](#)

### Germany: Leniency Programme strengthened by Final Decision regarding Access to File

The Court of Bonn decided in the Pfeleiderer case that the threat to the effective detection and prosecution of competition law infringements justified the refusal of access to the leniency applications.

[Read more](#)

### Sweden: Stockholm City Court imposes Fine on Telia Sonera for Abuse of Dominant Position

Following a preliminary ruling of the European Court of Justice, Telia Sonera was found to have abused its dominant position in the broadband market, ADSL, through a margin squeeze.

[Read more](#)

# LEGISLATION & POLICY

- o **Bulgaria:** Authority adopts Guidelines on Information Sharing and updates Guidelines on Competition Impact Assessment
- o **France:**
  - Autorité de la concurrence publishes Framework Document on Compliance and Notice on Settlement Procedure
  - Autorité de la concurrence calls for Introduction of Structural Injunction Mechanism
- o **Hungary:**
  - New Notice on Setting of Fines in Antitrust Cases
  - New Merger Control Rules
- o **European Commission:** Joint Public Consultation by DG Competition and DG Internal Market on Card, Mobile and Internet Payments

## Sector Inquiries / Market Studies

- **Finland:** Results of Inquiry into Grocery Sector
- **Germany:** Bundeskartellamt presents Final Report in its Milk Sector Inquiry
- **United Kingdom:**
  - Market Study into Private Motor Insurance launched
  - OFT launches Call for Evidence on Markets in Remote Communities
- **Norway:** Analysis of Power Relations in the Food Supply Chain

## Annual Reports

- **Spain:** Annual Report 2011 published

**Link to the Annual Reports of all ECN Members**

## Austria: Competition Authority publishes Revised Manual on Leniency

The key amendments seek to clarify the conditions for continuous cooperation and partial immunity and foresee the possibility of benefitting from a marker.

[Read more](#)

## Belgium: New Guidelines on Fines enter into Force

On 18 January 2012, the new fining guidelines adopted by the Competition Council entered into force. They build on the practice of the Council since the entry into force of the current Belgian Competition Act in 2006.

[Read more](#)

## Italy: Advocacy Intervention from Competition Authority concerning Competition Reform Proposals

On 5 January 2012, the Italian Competition Authority adopted a report advocating the adoption of a number of pro-competitive measures to increase the competitiveness of the main sectors of the Italian economy.

[Read more](#)

## Lithuania: New Method for setting Amount of Fines adopted

The purpose of this method is to allow the setting of individualised fines in order to enhance the deterrent effect for undertakings infringing Lithuanian and European Competition rules.

[Read more](#)

## Malta: Collective Proceedings Bill introduces Class Actions

The Bill foresees that proceedings may be initiated by a class representative on behalf of a class of persons having claims with common issues due to infringements of the competition rules, consumer law or product safety legislation.

[Read more](#)

## Norway: New Fining Regulations for Antitrust Infringements

The new Notice, which entered into force on 1 February 2012, brings the system in line with the methodology used by the EFTA Surveillance Authority and the European Commission

[Read more](#)

# OTHER ISSUES OF INTEREST

## EVENTS

- o **Austria:** Report on Roundtable Conference with Mediterranean Countries
- o **Lithuania:** Renewal of Observer Status in OECD Competition Committee
- o **United Kingdom:** Deterrent Effect of UK Competition Regime confirmed
- o **European Commission:** Report on First European Competition Forum

### Personalia

- **Cyprus:** New Chairperson and new Member of the Competition Authority
- **Latvia:** Change at the Helm of the Competition Authority

### Denmark: European Competition and Consumer Day in Copenhagen

The Danish Competition and Consumer Authority will host the Danish Presidency's European Competition and Consumer Day on 8 March 2012. At this event, key European decision makers and experts will discuss how effective competition and active consumers can promote growth and new opportunities.

[Read more](#)

### The Netherlands: Creation of 'The Netherlands Authority for Consumers and Markets' expected for 2013

The Netherlands Authority for Consumers and Markets (ACM) will be the new name for the merged authority created by the combination of the Netherlands Consumer Authority, the Independent Post and Telecommunications Authority of the Netherlands (OPTA), and the Netherlands Competition Authority (NMa).

[Read more](#)

### Romania: Conference on Achievements and Perspectives in Spring

The Competition Council plans to organize two events for the spring session: a conference on its achievements and perspectives on the occasion of which a report on the Romanian Competition Council's challenges and achievements 2011 will be launched. The second event will be a roundtable composed of heads of national competition authorities from the Black Sea and the Caspian Sea region.

[Read more](#)

## CONTACTS

## ECN STATISTICS

## Access to Commission Cases

## Training of National Judges

### [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](#)

### [Call for proposals 2012](#) and [List of beneficiaries 2011](#)