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A LOOK INSIDE THE ECN: ITS MEMBERS AND ITS WORK

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This publication is a special issue of the ECN Brief. The purpose of this Special Issue is to offer to the reader the opportunity to have a look at the inner workings of the ECN. Each authority provides an insight into recent developments and priorities, complemented by basic institutional information, relevant links and contact details. This Special Issue further presents the structure of the Network and gives an overview on the activities of a selection of its working groups and subgroups.

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Foreword by Joaquín Almunia
Vice-President of the European Commission

The ECN Brief is completing its first year of publication and I am delighted to celebrate this milestone with its editors, contributors, and readers. The first five issues of the ECN Brief have given a new, Europe-wide media outlet to news and information from the authorities that are part of the European Competition Network (ECN) and from the ECN itself. It seems that the ECN Brief was precisely what the competition community was waiting for; since its launch back in January 2010, its subscription base has grown to about 1700.

This Special Issue is a collective self-portrait of all ECN members. Going through its pages, you will find individual presentations of Europe's national competition authorities; their main achievements in the year that is drawing to a close; and their plans and prospects for the future. The overall result is a family picture that will tell the world what the ECN is about and what it brings to the EU in its efforts to preserve a level playing field in our internal market. Ensuring smooth, consistent, and efficient competition enforcement throughout the Union has never been more important than at this present time, when we need to muster all the available resources to leave the recession behind us and to lay the foundations for sustainable growth in the long term.

Finally, the ECN members can use the ECN Brief – and the family picture presented in this special issue – to look at themselves as if in front of a mirror and become better aware of the deeper significance of our Network. We can be proud of our individual and collective achievements, but I believe that our practical success should not overshadow the spirit of mutual trust and collaboration that we have built over the years and for which I would like to congratulate all the national competition authorities you are going to read about. In closing, I wish a long and distinguished life to the ECN Brief and season's greetings to all.

Joaquín Almunia

How does the European Competition Network (ECN) meet?

The ECN is a forum composed of the competition authorities of the Member States (NCAs) and the Commission. It pursues the objective of promoting the coherent application of the EU competition rules and provides a framework for discussing a broad range of competition related topics. The ECN's fora and subjects of discussion have developed over time and continue evolving. Currently the ECN meets at different levels:

• The meetings of the Directors General of the European Competition Authorities provide the forum for discussing strategic issues within the Network and constitute the top level of the ECN framework.

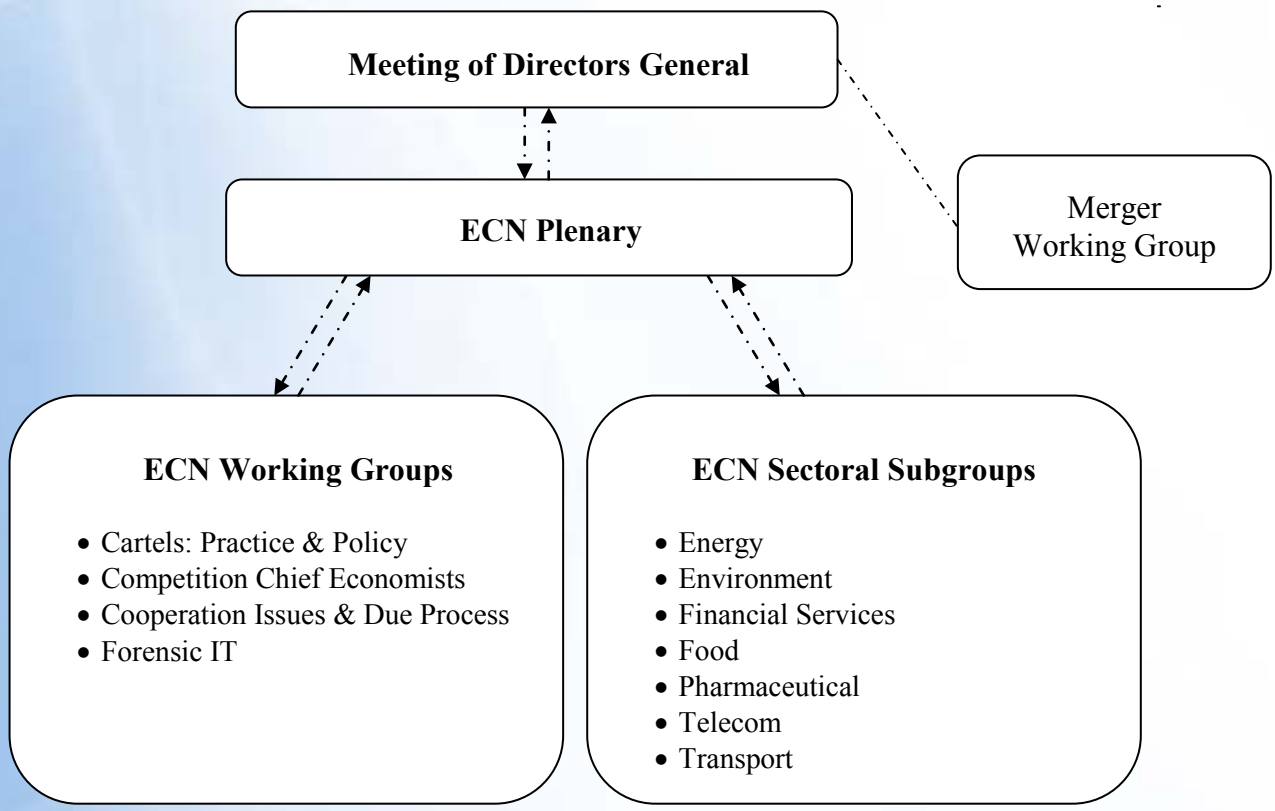
• The ECN Plenary where horizontal antitrust issues of common interest are discussed. Participants are officials of the national competition authorities responsible for ECN matters and officials of the ECN unit of DG Competition.

• The horizontal Working Groups: the ECN provides for a number of working groups dealing with horizontal questions of legal, economic or procedural nature. Examples include the Cooperation Issues and Due Process Working Group and the Competition Chief Economists Working Group.

• The Sectoral Subgroups: the ECN encompasses a range of subgroups dealing with particular sectors. Currently active subgroups include the Energy Subgroup, the Food Subgroup and the Banking and Payments Subgroup. In these subgroups, expert officials of the national competition authorities and the Directorate General for Competition exchange views and best practices. They mainly deal with substantial questions, promoting a common culture in their sectors.

Regarding mergers, although not formally being within the antitrust remit of the ECN, a working group was set up and endorsed by the Directors General in 2010.

The EFTA Surveillance authority and the competition authorities of EEA Member States Norway, Iceland and Liechtenstein may participate in horizontal discussions in the ECN and contribute to the ECN Brief.



Bundeswettbewerbsbehörde (BWB)
Federal Competition Authority

AT

Date of creation: 1 July 2002

Basic institutional information:
The BWB can take up and investigate (alleged) breaches of competition law and terminate such infringements by initiation of procedures at the Cartel Court (CC). CC is the decision making body in cartel matters in Austria. Furthermore, the BWB can investigate sectors. To enforce competition law the BWB can hear witnesses and experts, send out requests for information and search business rooms on the basis of a search warrant by the CC (also pursuant to Article 22 of Regulation 1/2003).

Competition review court: Supreme Cartel Court

Legal Basis: Kartellgesetz, Wettbewerbsgesetz

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Focus of BWB's work in 2010

In 2010 the BWB has further intensified its efforts to tackle hard core cartels. Several important cases were brought before the CC.

In April 2010, the CC imposed fines totalling € 1 500 000 on the Donau Chemie, DC Druck-Chemie, Brenntag and the Ashland groups for having infringed Article 101 TFEU. These companies are active in the wholesale of printing chemicals. The CC proceedings were initiated by the BWB following a thorough investigation triggered by an immunity application based on the Austrian leniency programme by the Donau Chemie Group. When imposing the fines, the CC fully accepted the amount proposed by the BWB taking into account the methodology as envisaged in the European Commission's guidelines on fines (see ECN Brief 3/2010). The decision was upheld by the Supreme CC in October 2010.

In February 2010, the BWB filed an application for the imposition of fines against all the members of the trade association for freight forwarding and logistics ("Zentralverband für Spedition und Logistik") for regulating the tariffs for domestic freight forward services concerning general cargo. The case is based on a leniency application and is still pending. Recently, the BWB filed an application for the imposition of fines against manufacturers of sugar regarding alleged agreements and/or concerted practices to share customers and markets. Two manufacturers established exclusive distribution territories for sugar. Investigations are based on a leniency application filed at the BWB and the case is still pending.

Another focus of the BWB's work is the liquid fuel market. Several investigations have been carried out in this sector: fuel prices in several regions in Austria (Vorarlberg, Salzburg) have been monitored and a report assessing Platts prices has been adopted (see ECN Brief 4/2010). Furthermore the BWB publishes a monthly newsletter on the fuel market in Austria.

The most important merger case in 2009/2010 concerned the media sector where Styria Medien AG and Moser Holding AG intended to merge primarily their regional daily newspapers in some regions of Austria. The BWB filed an application to start phase II of the merger proceedings at the CC. The main concerns identified were foreclosure effects regarding advertisements in newspapers and the detriment to media plurality. Before the CC adopted its decision, the parties withdrew their notification.

Finally, the BWB also intensified international co-operation not only within but also outside the European Union. The BWB namely organised the Vienna Competition Conference on "Industry vs. Competition?" in June 2010. Topics as leniency, behavioural economics and private enforcement were discussed (see ECN Brief 4/2010).

In the future the BWB will pursue its fight against cartels as well as its international activities.

Belgische Mededingingsautoriteit/Autorité belge de concurrence
Belgian Competition Authority

BE

Date of creation: 1 April 1993

Basic institutional information:
The Belgian Competition Authority consists of two components: the Directorate General for Competition, which is part of the Federal Public Service Economy, is both the policy and the investigative body and the Competition Council (administrative tribunal) composed of the General Assembly (a court divided into chambers to handle the cases), the College of Competition Prosecutors (prosecuting body), and the Registry. The chambers can also take decisions on appeal against some decisions by sectoral regulators. The General Assembly renders advisory opinions to the regulator for electronic communications (BIPT/IBPT).

Competition review court:
the Court of Appeal of Brussels. In cases where the Competition Council adopts decisions as an appellate court for decisions by sector regulators, it is the Supreme Court.

Legal basis: Act on the Protection of Economic Competition

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Belgian competition authority

Should we introduce Criminal Sanctions?

In 2009, the Belgian Government asked the Directorate General to advise on the introduction of criminal sanctions in the competition enforcement system. The question followed a suggestion from the OECD, which had already published a recommendation earlier in 1998.

After consulting stakeholders and experts, partly during one of our quarterly stakeholder lunches, it was concluded that the introduction of criminal sanctions for individuals could help to improve competition law enforcement, but only provided that criminal procedures do not jeopardise the functioning of the leniency programme, and do not suspend administrative procedures against the undertakings. Insofar as these two preconditions are not adequately met, it was concluded that the introduction of criminal sanctions would damage rather than enhance competition law enforcement.

In order to avoid any negative impact on the leniency programme, it was considered necessary that:

i) the Competition Authority would have exclusive jurisdiction to open a criminal procedure (which should then be directed by the Public Prosecutor's office and the investigating Judge;
ii) individuals can benefit from criminal immunity when they cooperate as employees or advisors of an undertaking that can benefit from administrative immunity or is entitled to a reduction of fines; and
iii) the Competition Authority would have exclusive jurisdiction to grant criminal immunity.

According to experts on criminal procedure law, it would have been possible to meet these conditions within the existing Belgian legal environment, however, it was clear that the decisions would very much depend on a strong political will to go against deeply rooted traditions. Indeed, Belgian criminal law currently only provides for immunity for whistleblowers in drug cases. And it is not obvious to construct a sufficiently clear distinction between an administrative competition case against an undertaking and a criminal case for related facts against an individual in order to avoid the impact of the general rule that criminal cases suspend all other legal proceedings about the same facts.

The Directorate General therefore proposed as an alternative the introduction of administrative sanctions against individuals, and in particular the introduction of director disqualification measures. The extent to which we learn from each other within the ECN and really operate as a network is illustrated by the fact that the Directorate General was very much inspired by findings of an OFT study on enforcement.

Комисия за защита на конкуренцията (КЗК)
Bulgarian Commission on Protection of Competition

BG

Date of creation: 1991

Basic institutional information:
The Commission on Protection of Competition (CPC) is an independent specialized state body, consisting of five members elected by the Parliament. It is the national authority empowered to enforce the Law on Protection of Competition (LPC), the Public Procurement Act, the Concessions Act and the EU competition acquis.
The CPC is competent to adopt decisions establishing infringements under the LPC, impose sanctions, adopt commitment decisions, impose interim measures, order termination of infringements, authorize business concentrations, conduct sector inquiries and carry out impact assessments on competition related issues.

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Competition review court: Supreme Administrative Court.

Legal basis: Law on Protection of Competition

Interview with Mr. Petko Nikolov, Chairman of the CPC

Mr. Nikolov, what were your authority's major setbacks in the past and how did you manage to overcome them?

In my view, the low sanctions were a key deficiency in our previous enforcement record. We expect that this problem will be overcome with our new sanctioning policy introduced by the LPC in 2008: we also expect our leniency programme to gradually start gaining more efficiency as a result of more deterrent sanctions. Another novelty is the CPC's power to impose interim measures and accept commitments from undertakings. The law also strengthens the protection of the rights of the parties by introducing a Statement of Objections as an intermediate step in the proceedings.

How are you striving to enhance the competition culture in Bulgaria?

In 2009, the CPC adopted Guidelines for competition impact assessment, aimed at assisting state authorities in the preparation of draft legislative, regulatory or general administrative acts. We have observed an increase in requests for opinions, which proves the success of our initiative and strengthens our role as a competition advocate. We also presented our Bid Rigging Guidelines and Checklist, designed to enhance the knowledge of stakeholders on these concerns (see ECN Brief 04/2010). I strongly believe in our success in this field.

Mr. Chairman, how do you see the CPC's actions in the international arena?

The CPC was the initiator of the first regional round table of the members of the South-East European Cooperation Process, providing a forum for neighbouring authorities to establish long-lasting cooperation. I am also extremely proud that the CPC was invited as an observer at the OECD Competition Committee at the beginning of 2010. Moreover, we are planning big celebrations for our 20th anniversary next year where we hope to strengthen friendly relations with colleagues from around the world.

What is your vision about the future?

Stepping up the enforcement, enhancing competition culture, raising awareness of private enforcement procedures, as well as more active participation on the international stage!

Επιτροπη Προστασιας Ανταγωνισμου (ΕΠΑ)
Cyprus Commission for the Protection of Competition

CY

Date of creation: 1990

Basic institutional information:
The Commission for the Protection of Competition is an independent administrative body and is competent for the application of the competition rules prescribed by the relevant legislation for the protection of competition and the control of concentrations between enterprises. The Commission consists of the Chairman and 4 Members and is assisted in the exercise of its tasks by its Service, which consists of a group of lawyers, economists and other auxiliary personnel

Competition review court:
The Supreme Court of the Republic of Cyprus.

Legal basis:
The Protection of Competition Law of 2008 (Law 13(I)/2008) and The Control of Concentrations between Enterprises Law (Law 22(I)/99)

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Statement by the Chairman of the Commission

The Law for the Protection of Competition of 2008 which replaced Law 207(I)/89 came into force in April 2008 and fully harmonised our competition legislation with that of the EU. Furthermore, as from 2008, the Commission members have been appointed on a full-time basis. These elements, coupled with the fact that the powers of the Commission for conducting investigations have been enhanced by the new law, have enabled the Commission to be more effective in the exercise of its tasks. As a result the Commission was able to deal with a lot of pending cases and to issue some important decisions, the most prominent of which was a decision issued in 2009 which found that the four motor fuel companies in Cyprus had engaged in a concerted practice and imposed a fine of € 42 000 000.

An important recent development for the Commission is the enhancement of the administrative capacity of the Service of the Commission whose function is to assist it in the exercise of its tasks; the most important part of the work of the Service is to conduct the investigatory work of the Commission. The number of employees, both professional and auxiliary staff of the Service, as well as the budget of the Commission, has doubled in the past couple of years.

The Commission, having dealt successfully with the workload it faced and reinforced by additional staff, was able to proceed with the drafting of a new Leniency Programme, expected to become secondary legislation soon.

The Commission is currently drawing up a set of rules for its internal procedures for the purpose of increased transparency and better functioning of the Commission.

Finally, the Commission has also set its priorities which respond to the most pressing issues of the current climate of difficult economic conditions and aim to safeguard effective competition in the most important markets of the economy and reinforce the protection of consumers. Current investigations concern the markets of milk, banking products, telecommunications and electricity & public transport.

Where Cooperation comes to Life: the Working Group on Cooperation Issues and Due Process

The ECN has its legal foundation in Regulation 1/2003, and the close cooperation it is based on is further fostered in the ECN Working Groups and Sectoral Subgroups. Work in these fora reflects the true meaning of a "network": the permanent exchange of ideas, fruitful discussions and the development of common positions and practical solutions.

Among its working groups, the longest-standing one which has met since the very beginning of the Network, is the Working Group on Cooperation Issues and Due Process (WGCIDP). Admittedly, the name appears a bit cumbersome. Its work, however, is definitely not.

On 1 May 2004, ten new Member States joined the EU, which was one of the reasons for renewing the system of application of the European Union's antitrust rules. So as to support a smooth transition to the new competition enforcement regime, the group "Working Group on Transitional Issues" was created. The name suitably mirrored the focus of work of the Working Group at the beginning of the newly-founded Network: reflecting on relevant issues that came along with the introduction of the new enforcement rules, e.g. how to deal with notifications made prior to 1 May 2004 and how to handle notifications under surviving national individual exemption regimes. The Working Group also looked into the practical implementation of the information obligations laid down in Article 11 of Regulation 1/2003 and supported the improvement of IT solutions used by the Network in this context.

In 2006, the Working Group changed its name to "Working Group 'Cooperation Issues'". The simple reason for this was the fact that "transitional" issues were a dying species while cooperation matters were here to stay. After having successfully handled the first years of Network cooperation, the Working Group now follows up on the state of convergence of enforcement procedures in the different Member States. Attention is also given to practical aspects of cooperation between the members of the Network, e.g. the cooperation on sector inquiries, the functioning of the Advisory Committee on Restrictive Practices and Dominant Positions, the application of mutual assistance with investigations as foreseen in Article 22 of Regulation 1/2003, early information on leniency applications and before dawn raids and other issues relevant for enforcement. Moreover, as from 2009, the Working Group has dedicated attention to enhancing communication instruments for the Network: it has made a major contribution to the launch of the ECN Brief and continues to advise on the publication where necessary.

The recent addition of "Due process" to the name of the Working Group reflects that the Network members give high priority to such issues in antitrust proceedings. They are naturally included when the Working Group studies for instance the convergence of enforcement procedures.

The Working Group has been chaired by the German and Hungarian NCAs since its creation and meets on average four times a year.

Úřad pro ochranu hospodářské soutěže
Czech Office for the Protection of Competition

CZ

Date of creation: 1991

Basic institutional information:
Since 1991, the Office for the Protection of Competition, headquartered in Brno, has been supervising compliance with the rules of fair competition. From 1992 to 1996, the Office functioned as the Ministry for Competition. The Office creates conditions for competition to flourish, oversees public procurement and monitors the allocation of state aid and is entirely independent in its decision-making. The Office is headed by a Chairman, nominated by the Government and appointed for six years by the President of the Republic

Competition review court: Regional Court in Brno and Supreme Administrative Court

Legal Basis: Act on the Scope of Competence of the Office for the Protection of Competition No. 273/1996 Coll.

Act on the Protection of Competition No. 143/2001 Coll.

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An Interview with Mr Petr Rafaj, Chairman of the Office for the Protection of Competition

How did you become Chairman of the Czech NCA?
I began my public service career 13 years ago. Among other things, I dealt with issues related to public procurement. Between 2002 and 2009, I was a member of the Parliament of the Czech Republic and was involved in the drafting of an amendment to the Act on the Protection of Competition. I have always been well aware of the importance of competition for economic development and my experience helped me a lot when I took up my position as Chairman of the Office for the Protection of Competition.

What are your agency's current priorities?
We would like to further promote the awareness of competition law both through the media and by organizing conferences and seminars. As far as the antitrust agenda is concerned, our top priority remains the same: we focus on horizontal agreements and I am happy to announce that we are currently conducting several investigations and our activities in combating cartels are significantly rising.

What are the challenges for your agency in coming years?
Our agency has a very broad agenda. Beside the protection of competition, our agency deals with public procurement and state aid issues. Moreover, since February 2010 we also oversee abuses of significant market power (see ECN Brief 01/2010). Despite the substantial increase of our competences, the number of our employees hasn't changed. We will work hard to change this in the future. Nevertheless, it is very difficult due to the significant governmental budget cuts. Finally, we intend to adopt in cases of abuse of dominant positions, decisions based on precise econometric analyses which will bring real benefit to competition and consumers.

How do you rate your agency?
I am delighted that since my appointment, important decisions were issued by the Supreme Administrative Court of the Czech Republic which upheld our agency's decisions in crucial cases, supporting the Office's enforcement policy and leaving us with confidence that we are on the right track. On the international level, we have strengthened our participation in the work of the ECN and the EU Advisory Committee on Restrictive Practices and Dominant Positions, the International Competition Network and the OECD, as well as bilateral links with many competition authorities worldwide. Moreover, the Office has reflected on the ongoing economic and financial crisis and adopted a number of methodological documents to declare openly its future approach towards market players. I firmly believe we can succeed in our future work.

Bundeskartellamt (BKartA)
German Federal Cartel Office

DE

Date of creation: 1 January 1958

Basic institutional information:
The Bundeskartellamt is an independent higher federal authority, assigned to the Federal Ministry of Economics and Technology. Decisions on cartels, mergers and abusive practices are taken by independent Decision Divisions. Three Public Procurement Tribunals provide legal protection for bidders in the award of public contracts. The Bundeskartellamt has approximately 320 employees, the yearly budget amounts to approximately € 21 700 000.

Competition review court:
Oberlandesgericht Düsseldorf (Düsseldorf Higher Regional Court).

Legal basis: Act Against Restraints of Competition

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The Bundeskartellamt - Activities and current Priorities

In 2008, the Bundeskartellamt and the Act against Restraints of Competition celebrated their 50th anniversary. The Bundeskartellamt is thus one of the longest serving competition agencies in the world. The Act against Restraints of Competition has been amended several times during the last 50 years. A number of exceptions from competition law have been abolished and in 1973 merger control was introduced. These amendments show that the principle of undistorted competition has become increasingly accepted by the legislator and German society.

Today, the Bundeskartellamt is organized into 12 decision divisions, 10 of which are responsible for certain industrial sectors. They all have detailed knowledge of the respective markets and are highly competent in their sectors. The agency's staff includes highly qualified legal and economic experts, many of which have already gained extensive vocational experience in the private sector. The sector-specific structure of the Bundeskartellamt affords it an up-to-date insight into the activities of each sector of the economy.

The strategic decision to make the prosecution of hardcore cartels as an area of focus of the agency's work has proved highly successful. In the last three years alone we conducted 58 cartel proceedings and imposed fines to the tune of well over € 1 000 000 000. This is the result of the consistent further development over the past years of the tools and infrastructure for cartel prosecution: the establishment of the Special Unit for Combating Cartels, the issuing of guidelines on the setting of fines and a thorough revision of the Leniency Programme, and the launch of two decision divisions dedicated to cartel prosecution.

The Bundeskartellamt reacted to the steadily increasing importance of competition control in the energy sector by installing a decision division which is exclusively responsible for abuse control in the energy sector, a measure which has already proved very successful.

Our underlying aim has always been to base our decisions on a solid economic grounding. A special feature in our practical case work is the cooperation between legal experts and economists within our decision divisions. In spite of the solid economic basis of our work, we are aware that we still have to develop this area even further. The new 'Economic Issues in Competition Policy' Unit, which was set up in July 2007, has got off the ground well. Its cooperation with the independent decision divisions is being constantly intensified and the unit gradually expanded.

Competition advocacy, which is addressed towards not only the political arena and business sector but also the public at large, is producing good results and we are managing, even in a globalised world and also under the recent impression of financial crisis, to create a general awareness that competition is crucial for a prosperous economy.

Konkurrence- og Forbrugerstyrelsen
Danish Competition and Consumer Authority

DK

Date of creation:
The Danish Competition and Consumer Authority (DCCA) was created by a merger between the Danish Competition Authority and the Consumer Agency on 19 August 2010.

Basic institutional information:
The DCCA is an independent body of the Danish Ministry of Economic and Business Affairs and is responsible for matters related to competition, energy regulation, public procurement and state aid. The Authority is the secretariat to the Danish Competition Council and is responsible for the executive administration of the Competition Act. The Competition and Consumer Authority is entitled to adopt some decisions on behalf of the Council.

The Danish Competition Council issues decisions in competition cases. The Council is composed of a chairman and 17 members which are appointed by the Minister of Economic and Business Affairs on the basis of personal and professional qualifications. The Competition Council meets once a month.

Competition review court:
The Danish Competition Appeals Tribunal.

Legal basis: Competition Act.

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Mergers have been the Order of the Day

2010 has been a busy year for the Danish Competition Authority concerning mergers – both in-house and in relation to the implementation of amendments to the Danish competition law.

On 19 August 2010, the Danish Competition Authority and the Danish Consumer Agency merged to create the Danish Competition and Consumer Authority. In recent years, the two authorities have been working closely together on several cases. In the future, it is envisaged that the combination of the two authorities will create great synergies as well as a strengthening of the enforcement of both competition law and consumer law.

The merger between the two authorities was implemented at the same time as the Danish Competition Authority was implementing amendments to the Danish merger control rules in the Danish Competition Act and the relevant executive orders and guidelines. These amendments entered into force on 1 October 2010. The primary aim of the revised merger control rules is to strengthen Danish merger control.

The new merger control rules include: lower turnover thresholds for merger notifications, a simplified notification procedure, issuance of a preliminary statement of concerns, and extended time limits for the Danish Competition and Consumer Authority's handling of mergers in both Phase I and Phase II.

In February 2010, the Danish Competition and Consumer Authority withdrew an approval of a merger for the first time in its history. The approval was given on the basis of incorrect information provided by third parties. The undertakings concerned knew that this information was incorrect but failed to correct this information. Therefore, the Authority decided to withdraw its approval and required a new notification. The merger was subsequently approved based on the correct information.

In addition to the amendment of the merger control rules in the Competition Act, a number of other amendments have been adopted which serve the purpose of clarifying and strengthening the enforcement of Danish competition law (see ECN Brief 03/2010).

Konkurentsiamet
Estonian Competition Authority

EE

Date of creation: 1 October 1993

Basic institutional information:
The Estonian Competition Authority (ECA) is an independent government agency, which operates under the responsibility of the Ministry of Economic Affairs and Communications and is responsible for the enforcement of competition law. According to the Estonian law, investigations and enforcement actions by the ECA can be carried on several bases (administrative, criminal or misdemeanour procedures) and the authority's investigatory and decisional powers depend on the type of procedure applied in the case.

Competition review court:
Tallinna Halduskohus (Tallinn Administrative Court; first instance review court in administrative cases); Harju Maakohus (Harju County Court; appeal court in misdemeanour cases and first instance court in criminal cases).

Legal basis:
Competition Act
Penal Code
Administrative Procedure Act
Code of Misdemeanour procedure
Code of Criminal Procedure

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Recent Developments and future Priorities of the Estonian Competition Authority

The Estonian Competition Board was originally founded in 1993 and replaced the Price Authority. The next significant change regarding the composition of the authority was made on 1 January 2008 when it merged with the former independent regulators, the Energy Market Inspectorate and the Estonian Communications Board, thus becoming the Estonian Competition Authority (ECA). According to its areas of supervision, the authority is divided into three Divisions (the Competition Division, the Railways and Communications Regulatory Division and the Energy and Water Regulatory Division): the main challenge of the authority for the few last years has therefore been to increase cooperation and synergy between the divisions for ensuring more efficient supervision while taking into account the interests of the consumers and undertakings.

In the field of competition enforcement the most important priority for the present and the next years is the detection and prosecution of anticompetitive cooperation between undertakings, especially cartels. In 2008-2010, ECA with the direction of Public Prosecutors' Office has initiated 18 criminal proceedings for the investigation of anticompetitive agreements and concerted practices. Some of the most significant tools for the fight against cartels have been put into place by the amendments to the Competition Act and Code of Criminal Procedure which came into force on February 2010 (see ECN Brief 02/2010). These amendments have introduced a national leniency programme which has proven useful during its initial six-month period of application.

As many undertakings and their key staff still lack knowledge about competition law, ECA's next priority will be to enhance the knowledge of the different market players of the applicable competition rules. Competition advocacy will be especially important in relation to local municipalities and their activities within public procurement proceedings as well as procedures for granting special or exclusive rights to undertakings engaged in activities of general economic interest. ECA annually organizes a nation-wide conference on competition law where recent developments and key issues of competition law are discussed with representatives of major market players. The officials of ECA also frequently act as speakers in the training events organised by local law firms.

The Benefits of active Cooperation: Sharing Experience and Views within the Network

A key element of the functioning of the ECN and a precondition for the effective enforcement of EU competition rules is the power of National Competition Authorities (NCAs) and the Commission to exchange and use information. Regulation 1/2003 foresees firstly the power to exchange case related information pursuant to Article 12 and secondly provides for mutual information obligations between the NCAs and the Commission in Articles 11 and 14. The Network has proved to be an effective working tool for allowing not only the formal secured exchange of confidential information for the purpose of coherent application of EU competition rules but also by providing an easy interaction platform for informal cooperation between its members.

The optimal use of ECN resources facilitates soft, voluntary cooperation between its members through the exchange of practical expertise and views over and above the formal mechanisms established under the Regulation 1/2003. The aim of such cooperation is to provide a frank, goal-orientated and intensive dialogue between the competition authorities. Since the creation of the Network, the number of informal requests for input has increased steadily and significantly, converting this ad-hoc instrument into an instigator of best practices EU-wide on issues of common interest. The optional exchange of non-confidential information encompasses all types of general requests, such as surveys and questionnaires about national legislation, enforcement practice, legal procedure and conceptual issues in the field of competition policy. The Network members use it to exchange views on sectors of economy confronted with similar problems with a view to envisage the initiation of sector inquiries; ensure the uniform application of EU rules in antitrust proceedings; substantiate advocacy efforts before policy makers; complement competition policy discussions with additional views; enhance prioritization strategies; and shape national competition laws and procedures.

One example of such soft cooperation is to be found in the area of sector inquiries. Although there are no legal obligations in Regulation 1/2003 for the ECN members to cooperate in the field of sector inquiries, Network members regularly exchange experience of past sector inquiries.

Informal exchanges of experiences and views have proved to be instrumental in promoting the decisive role of competition, especially in times of economic crisis when national governments may be under pressure to adopt “quick fixes” to market problems having potential long-term consequences. By comparing policy options and strategies, avoiding mistakes and learning from successful examples, the NCAs are able to better fulfil their role as competition advocates, be proactive and play a role in the development of solutions. Despite the recognition that each competition authority operates in the context of its own substantive and procedural legal regime and its own economic realities and despite the fact that each case and public policy initiative is shaped by its national specificities, the presence of available workable solutions should always be borne in mind.

The informal working methods, the experience-based and purposeful approach to consensus building founded on an open dialogue have proved effective at enhancing swifter problem-solving, promoting consistency and predictability aimed at fostering competitive markets, consumer welfare and economic growth.

Επιτροπή Ανταγωνισμού
Hellenic Competition Commission

EL

Date of creation: 1979 (as a department within the Ministry of Commerce & an authority) and 1995 (as an independent administrative authority)

Basic institutional information:
The Hellenic Competition Commission (HCC) is an independent administrative authority and is competent for the application of national and EU competition rules in the Hellenic Republic. It consists of the HCC Board (the decision-making arm of the Authority) and the Directorate-General (the investigative arm of the Authority). The members of the HCC Board are the President, four full-time Commissioners and four part-time Members (including four Alternate Members). The President and the four Commissioners are appointed by the Government following a hearing by a Parliamentary Committee and the part-time Members are appointed by the Minister of Development and Competitiveness (MDC). The Directorate-General is headed by the Director-General and includes two Operational Departments and the Legal Service. The Director-General and the respective Heads of Units are appointed by the HCC Board.

Competition review court:
Athens Administrative Court of Appeal (full judicial review), Greek Council of State (appeal on points of law).

Legal basis:
Law 703/1977 on the Control of Monopolies and Oligopolies and on Freedom of Competition (as amended).

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The HCC in Today's Challenges

Faced with the current economic crisis, the HCC has a crucial role to play in safeguarding the conditions of effective competition and in promoting a genuine "competition culture" in Greece. Free and undistorted competition is a key remedy for the Greek economy.
There are two basic challenges for the HCC:
• First, Greece is a small market economy with considerable barriers to entry. It is also characterised by oligopolistic structures with a lot of transparency, which makes price parallelism quite easy. At the same time, collectivist business culture (agreements backed by social ties) makes the unearthing of antitrust delinquency difficult.
• Second, a chronic problem has been State intervention in the economy. This has led to State monopolies which felt no competitive pressure for a long time. An additional problem is the existence of a variety of State regulatory obstacles to competition, which restrict business behaviour in many ways and have negative effects for consumers.
The HCC's response to these two challenges is of critical importance.
• With regard to the first challenge, the HCC continues its strong enforcement activity of the last years. The HCC is currently revisiting its leniency programme and has also increased its engagement with the public through the national media, as well as its advocacy work. Moreover, the HCC has realigned its strategic objectives on the basis of an operational plan with concrete deliverables, in order to adapt swiftly to the challenges of the markets and the current economic crisis. We have turned our focus on to investigations concerning products and services of major importance to the Greek consumers and on practices with cumulative effect, with a view to increasing the systemic effect of our action.
• With regard to the second challenge, the HCC is eager to increase its advocacy efforts in this area, most notably by issuing Opinions addressed to the Government. We have also prioritised cases in the area of liberal professions, in light of the high number of regulatory obstacles which are inherent in these markets.

Comisión Nacional de la Competencia (CNC)
National Competition Commission

ES

Date of creation: 2007

Basic institutional information:
The Comisión Nacional de la Competencia (CNC) is a single institution independent of the Government and it incorporates the former functions of the Tribunal for Defense of Competition and the Competition Service. The CNC exercises its functions at a nationwide scale and is competent to act in relation to all markets and sectors of the economy.

Competition review court:
The National High Court (Audiencia Nacional) exercises judicial review of CNC´s decisions.

Legal basis:
Competition Act 15/2007 and Defense of Competition Regulation (RD 261/2008)

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First Leniency Cases

In 2010, the CNC has, for the first time, imposed fines in the first three cases in which the Leniency Programme has been applied. Spain has had a Leniency Programme since February 2008. Some of those cases were opened on the date on which the Programme came into force, given that the first applicants for leniency had been waiting outside the CNC Registry for several days in order to file their applications.

Furthermore, Article 101 TFEU has been applied in two of these leniency cases (see ECN Brief 04/2010). The first of these resulted in the dismantling of a cartel in which a number of sherry companies participated, along with the regulatory board for the jerez (sherry) designation of origin. In its decision, the CNC established that in 2001 the main operators in the sector set up a cartel to control the production and price of sherry destined for export under the commercial brands of the buyers in the so-called BOB (Buyer Own Brand) sherry market. These operators agreed to reduce the sherry available for the BOB market so as to be able to increase prices. The cartel was active for seven years from 2001 to 2008. In 2008, thanks to the Leniency Programme, the CNC opened formal proceedings and carried out inspections that led to the cartel being brought to an end.

The second leniency case in which Article 101 TFEU has been applied concerned a cartel of freight forwarding companies. Eight companies in the road transit sector were imposed fines totalling more than € 14 000 000 for participating in a cartel agreement with the aim of co-ordinating their competitive pricing strategies. A statement from one of the companies enabled simultaneous inspections to be organised in four of the companies involved, from which a large amount of evidence was obtained.

Leniency programmes are a powerful tool for competition authorities in order to detect cartels, the most harmful of anti-competitive conducts. Leniency can benefit companies that submit evidence making it possible for the CNC to detect a cartel, provided those companies were not instigators of the cartel and are no longer engaged in the prohibited conduct.

Kilpailuvirasto (FCA)
Finnish Competition Authority

FI

Date of creation: 1 October 1988

Basic institutional information:
The FCA is an independent body in its decision-making, but administratively subordinate to the Ministry of Employment and the Economy. It investigates cases and adopts decisions: however, decisions on fines and merger prohibitions are adopted by the Market Court upon proposal of the FCA. The FCA's staff currently amounts to 70.

Competition review court:
The FCA's decisions can be appealed to the Market Court, which can also impose competition infringement fines - and in merger cases prohibit a merger - on the proposal of the FCA. The Market Court decisions may be appealed before the Supreme Administrative Court.

Legal basis: Act on Competition Restrictions (480/1992)

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Towards more efficient Enforcement

Since 2005, the FCA is headed by Director General Juhani Jokinen. The FCA's organization was reformed in February 2009 and it is now industry-based instead of the former division based on types of competition restraints. At the same time, the Director General's staff has been reinforced in order to allow for more strategic and research work.

According to recent external evaluators' reviews, the FCA's investigatory skills are of high quality and companies obtain good case-specific advice. However, it has also been reported that the FCA's activities could be more target-oriented and some operational processes could be enhanced. The FCA therefore aims to focus on cases with a major impact on the economy and such cases are sought to be prioritized according to the overall benefit of the society.

In parallel, internal procedures have been reformed to boost and expedite case management so that all cases with a major impact will be reviewed by the management board in the early stages. The main lines of the investigation are confirmed during the initial review assessment of the case and preliminary deadlines are set in relation to other pending investigations. These reforms also serve the demands set on the FCA's procedures in the forthcoming new Competition Act. The legislative reform provides for further convergence with the EU competition rules and modifies the current competition infringement fining policy, damages actions and merger control rules. The Government Bill was brought before the Parliament in June 2010 and the new law is expected to come into force in 2011.

In the last few years, the FCA's actions have been characterized by long-pending court proceedings. In September 2009, the Supreme Administrative Court ended the five-year long court proceedings in a matter involving the imposition of a competition infringement fine of € 82 550 000 in the asphalt cartel case (see ECN Brief 01/2010). The court referred, inter alia, to the case law of the EU courts, in the assessment of the evidence. Also, following the outcome of the administrative proceedings, several actions for damages have been brought before district courts. In another cartel case concerning the purchase of timber, fines totaling € 51 000 000 were imposed on the timber companies.

The FCA's advocacy efforts are also characterized by a stronger focus on issues with a major impact on the economy. Resources are directed on securing well-functioning competition conditions. Additionally, impact goals are defined for the FCA participation into domestic working groups. Recent working groups, in which the FCA has participated include Municipalities and Competition Neutrality and Taxi Services working groups.

Autorité de la concurrence
French Competition Authority

FR

Date of creation: 2 March 2009

Basic institutional information:
Following the 2008/2009 modernization of the competition system in France, the Autorité de la concurrence is the single independent administrative authority in charge of enforcing competition rules. The Autorité de la concurrence took over the antitrust enforcement powers of the former Conseil de la concurrence (initially set up in 1986) and also became competent to carry out competition investigations and sector inquiries, as well as to review merger cases. It also has an extensive consultative role on any competition-related issues, whether on its own motion or through referrals. The Autorité de la concurrence was also designated the French NCA within the ECN under Article 35 of regulation N. 1/2003.

Competition review court:
• the Paris Court of Appeal (Cour d'appel de Paris) under the scrutiny of the Supreme Court (Cour de cassation), for antitrust decisions; and

• the Administrative Supreme Court (Conseil d'Etat) for merger decisions.

Legal basis:

The French code of commerce [provisions L. 410-1 to L. 470-8]

Bruno Lasserre, President

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An Interview with Bruno Lasserre, President of the Autorité de la concurrence

After six years of functioning, what is your opinion on the European Competition Network ?

The European Competition Network is a success story. It was not a ready-made fully-functioning tool initially and the ECN members, all together, have managed to steer it in the right direction. It has successfully fulfilled its primary objective of ensuring the consistent and efficient implementation of the EU competition rules across Europe which Regulation 1/2003 fully empowered NCAs to enforce. The ECN has also managed to go further and promote convergence on general and procedural issues. This was not the objective at first, but it was worth the efforts we put in, like when drafting the Model Leniency Programme.
Last, the ECN is a dynamic and interactive gathering of enforcers, who are constantly sharing views on competition related issues. After six years, it has totally revolutionised our daily enforcement practices and the way to process cases. Nevertheless, the ECN is only halfway down the road and we should not ease back on our efforts in the coming years, especially in relation to policy issues.

Can you quote one of the main practical achievements of the ECN?

Cooperation within the Network brought very significant added value when revamping the EU vertical restraints regime, adopted last May. Through the Network, each NCA had the opportunity to work hand in hand with the European Commission and bring forward its own experience. This was of utmost significance as most cases that dealt with vertical restraints in the last ten years were enforced at national level under Article 101 TFEU or the equivalent national provisions. The Autorité de la concurrence issued more than 50 decisions regarding vertical restraints in this timeframe. This experience was worth mentioning and the ECN was the mean to do so. This resulted in fruitful debates and eventually in a more refined and balanced set of texts to the benefits of a fairer competition enforcement at European level.

Cooperation between NCAs in Investigations: Article 22 of Regulation 1/2003

The ECN is based on an effective legal framework to enforce EU competition law against companies who engage in business practices affecting trade between Member States, which restrict competition and are detrimental to consumers' welfare. Regulation 1/2003 provides NCAs with different tools for cooperation.

In particular, Article 22(1) of Regulation 1/2003 allows for a NCA to request another NCA for assistance in order to collect information on its behalf in the context of the enforcement of Articles 101 and 102 TFEU. This means that in practice a NCA may ask another NCA to carry out on its behalf fact-finding measures such as inspections or requests for information. Although Regulation 1/2003 does not create a legal obligation for another NCA to meet a request issued pursuant to Article 22(1), the ECN members have to take account of the principle of close cooperation and accordingly, they will make their best efforts to provide the requested assistance.

Indeed, NCAs have regularly used Article 22(1), especially requests for assistance with inspections. This tool is essential for the efficient enforcement of competition rules in cases where the undertakings involved are established outside the territory of the requesting Authority. Since the entry into force of Regulation 1/2003, all formal requests for assistance for inspection under Article 22(1) have been followed by effective assistance.

Article 22(1) of Regulation 1/2003 is directly applicable. Nevertheless NCAs are bound to apply their national procedural rules when acting for another NCA. When conducting an inspection on behalf of another NCA, the assisting NCA must proceed on the basis of its national law and the requesting NCA has to provide the requested NCA with all the information needed in order to allow that Authority to use its national investigative powers. Moreover, it is up to the competent national judge in the Member State in which the inspections have been performed under Article 22 to exercise judicial review.

For example, in March 2010 the Italian Competition Authority (AGCM) carried out an inspection following a request for assistance by the Spanish Competition Authority (CNC) at the premises of one of the market leading producers and sellers of plastic containers for fruit and vegetable packaging located in Italy. The request referred to an alleged anticompetitive agreement among fruit packaging producers in Spain. As a result of the inspection carried out simultaneously in Italy and in Spain on 10 May 2010, the CNC decided to open formal proceedings on the basis of the Spanish Competition Act 15/2007 of 3 July 2007 and Article 101 TFEU.

The inspection resulted to be very fruitful, and the cooperation between the authorities did not come up against any practical obstacle. On the contrary, it is worth mentioning that the Fiscal Police (Guardia di Finanza), which regularly assists the AGCM in its inspections, provided valuable assistance in identifying before the dawn raids, the correct location of the premises of the suspected undertakings.

More recently, other requests for assistance pursuant to Article 22(1) of Regulation 1/2003 have been carried out. In particular, the Austrian Competition Authority (BWB) carried out in July an inspection at the request of the German Competition Authority (Bundeskartellamt) in the sector of the production of fire-fighting vehicles and superstructural parts.

In the light of the experience gathered so far, the application of Article 22(1) of Regulation 1/2003 constitutes a very useful tool for the effective enforcement of Articles 101 and 102 TFEU.

Gazdasági Versenyhivatal (GVH)
Hungarian Competition Authority

HU

Date of creation: 1 January 1991

Basic institutional information:
The GVH is a state administrative authority, which is independent of the Government and reports only to the Parliament. The GVH is headed by the President, who is assisted by two Vice Presidents: one of whom is the Chair of the Competition Council (the decision-making body of the GVH), while the other directs and supervises the investigative sections. The main competences of the authority are: antitrust, merger control and the unfair manipulation of consumer choice (unfair commercial practices).

Competition review court:
Budapest Metropolitan Court (first instance)
Budapest Appeal Court (second instance)

Legal basis:
Competition Act (Act LVII of 1996 on the prohibition of unfair and restrictive market practices)

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Continuous Fight against Cartels

Every year, the GVH sets its priorities for the next year and thereby determines its area of activity. As in the past, the resolute fight against cartels constitutes one of the key objectives of the GVH in 2010. This approach is in line with international and European trends.

At the same time, detecting secret cartels has become extremely difficult as cartelists use ever most sophisticated techniques for concealing their activities. Therefore, in view of a more effective cartel detection, besides making intensive use of the available legal instruments (dawn-raids, leniency programme and rewards for informants), the GVH also pays attention to signs of possible collusions by relying on economic analyses, more intensive market monitoring activity and the experience of other authorities and the international cooperation of the competition authorities (e.g. the European Competition Network).

Regarding the legal instruments for fighting cartels, the newly introduced “Informant Reward” intends to deter hardcore cartels by facilitating their detection. The new provisions entered into force on 1 April 2010.

Until mid 2009, the GVH’s leniency policy was based on the Leniency Notice of the authority. But the need to increase legal certainty for undertakings meant that the leniency rules were better regulated in the Competition Act. The new rules of the Act increase transparency and legal certainty concerning the lodging and handling of leniency applications and as a result the number of applications is expected to increase.

Above all, the GVH strives to inform the widest range of the public possible, including groups of undertakings (professional chambers, interest groups, company management fora) who are launching a public procurement procedure about the harmful effects of cartels and the importance of their detection, by means of publications, lectures and training.

Among the results of the continuous fight against cartels, the GVH imposed, in a recent case, a record fine of € 25 600 000 for bid rigging in public procurement procedures for reconstruction of railway lines in Hungary .

The Competition Authority
An tÚdarás Iomaíochta

IRL

Date of creation: 1991

Basic institutional information:
The Competition Authority is an independent statutory body that enforces Irish and European competition law. The Authority consists of a Chairperson and not less than two or more than four Members.

Competition review court:
All enforcement decisions (excluding mergers) are taken by the Courts. For hard-core cartel cases, the Authority prepares a file for the Director of Public Prosecutions who prosecutes on behalf of the State in the Criminal Courts. Summary criminal cases can be brought by the Authority before the District Court. Merger decisions are taken by the Competition Authority but can be appealed to the High court.

Legal basis:
Our current powers derive from the Competition Act 2002.

Declan Purcell, Chairperson

Organigram

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The Competition Authority – Roles and Functions

Irish competition law mirrors European competition law. However, in contrast to many other countries, the Competition Authority, with the exception of its role in merger review, is not a decision-making body. Any finding of a breach of competition law can only be made by the Courts. The Authority does not have powers to fine undertakings; such penalties can only be imposed by the courts following a conviction of a breach of the Act in the criminal courts. Hard-core cartel cases are prosecuted by the Director of Public Prosecutions in the criminal courts before a jury. The criminal burden of proof "beyond all reasonable doubt", coupled with the defendant's right to silence, presents a formidable threshold for the Authority to cross. Enforcement in Ireland is therefore challenging.

Despite these challenges, to date, 33 criminal convictions have been handed down to 18 undertakings and 15 individuals, with fines totaling more than € 600,000, and suspended prison sentences ranging from three to 12 months. In recent years fines have been steadily increasing, as has the severity of prison sentences handed down.

The Authority regularly publishes Guidance Notes and Decisions that aim to improve competition in a wide range of sectors. These include guidance on competition law and policy for both consumers and business and a guide to detecting and preventing bid-rigging in public procurement contracts (see ECN Brief 02/2010).

The Authority's civil case against the Beef Industry Development Society has set an important precedent in Irish law. Following a judgment of the ECJ, the Irish Supreme Court ruled in 2009 that the agreement to collectively rationalise the industry infringed Article 101(1) TFEU.

The Competition Authority also has a statutory duty to advocate for competition. To date, our advocacy efforts have achieved substantial pro-competition reform across a wide range of sectors including: private health insurance, banking and professional services. The Competition Authority has secured the implementation of over 50% of our Market Study recommendations and those outstanding are being actively considered by Government. Policy-makers, businesses and the wider public now routinely turn to us seeking our help.

In October 2008, the Irish Government announced that the Competition Authority would be amalgamated with the National Consumer Agency. We look forward to working with our new colleagues to ensure that consumer and competition policy together to enhance consumer welfare, competition and competitiveness.

Autorità Garante della Concorrenza e del Mercato (AGCM)
Italian Competition Authority

IT

Date of creation: 10 October 1990

Basic institutional information:
The AGCM is an "Independent Authority" entrusted with the enforcement of the Competition and Fair Trading Act and the the national legislation concerning misleading and comparative advertising.
The Authority is a collegiate body: the President (Antonio Catricalà) and its four Members (Antonio Pilati, Piero Barucci, Carla Rabitti Bedogni and Salvatore Rebecchini) are appointed jointly by the Presidents of the Senate and the Chamber of Deputies for a seven year, non-renewable term. The Secretary General (Luigi Fiorentino) is responsible for overseeing the organisation and operations of the staff and the offices.

Competition review court: The Tribunale Amministrativo (TAR) Lazio.

Legal basis: Competition and Fair Trading Act

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Competition Policy and Antitrust Enforcement: main Trends in 2010

In 2010, the AGCM which celebrated along with the Competition and Fair Trading Act its 20th anniversary, vigorously enforced antitrust law largely relying on EU competition rules. Between January and September 2010, 12 proceedings were conducted on the basis of Article 101 TFEU (two investigations were concluded with the finding of an infringement and ten are still ongoing) and six under the corresponding national provision. At the same time the AGCM started 20 investigations on the basis of Article102 TFEU (eight were concluded with commitments, one with the imposition of a fine and 12 are still ongoing) and three under the corresponding national provision. In the same period, the AGCM also examined 360 mergers. It also exercised its advocacy powers in 95 cases and is currently conducting six sector inquiries.

In the field of the application of Article 101 TFEU, AGCM is increasingly implementing the national leniency programme. On 24 March 2010, the AGCM ruled that Butangas, Liquigas and Eni had set up a competition-restricting agreement to coordinate nationwide variations in the public price lists for Liquified Petrleum Gas (LPG) cylinders and small tanks from 1995 to 2005, to the detriment of final consumers. The AGCM gave full immunity to Eni for having provided, as first applicant, concrete proof concerning the secret cartel, whilst Butangas and Liquigas were fined (see ECN Brief 03/2010).

In several cases of alleged abuse of dominant in the form of exclusionary conduct, the AGCM accepted the commitments proposed by the companies, on the basis of an assessment of their ability to restore competitive market conditions. On 7 July 2010, the AGCM closed its Sky Italia investigation accepting the commitments put forward as they were adequate to ensure non- discriminatory access to its satellite platform for third-party operators. Currently, the AGCM is examining a set of commitments proposed by Google relating to markets for internet services. The investigation concerns an alleged tying between Google Search and Google News and the lack of transparency in contracts for the AdSense system (an intermediary service to sell advertising space). In order to address the competition concerns Google introduced a new dedicated crawler for Google News and some specific technical provisions intended to provide transparency in the AdSense contract.

Finally it is worth mentioning that during 2010, the AGCM wielded its advocacy powers in the context of the drafting of the "annual law for competition" which pursuant to Article 47 of L. 99/2009, the Italian Government must submit each year to the Parliament (see ECN Brief 02/2010). This law should take into account all advocacy measures adopted by the AGCM, which refer to provisions of law or regulations or general administrative provisions which might create distortions of competition.

Lietuvos Respublikos Konkurencijos Taryba
Competition Council of the Republic of Lithuania

LT

Date of creation: 1999

Basic institutional information:
The current Lithuanian Competition Authority has developed from the former Price and Competition Institution established under the first Law on Competition of 1992, which was amended in 1995, and the authority was renamed the Competition and Consumer Protection Institution.

More information on the activities of the Competition Council: http://www.konkuren.lt/en/index.php

Competition review court:
The Vilnius Regional Administrative Court.

Legal basis:
Law on Competition of the Republic of Lithuania of 23 March 1999

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Peculiarities of Competition Advocacy in Lithuania

The role of policy makers in markets is of concern to competition authorities insofar as it balances between the restriction and promotion of competition. The loss of that balance, i.e. disproportionate, redundant, protectionist regulation might be even more harmful for the consumers and the whole society than the anticompetitive activities of undertakings.

The problem is usually addressed by using competition advocacy. Traditionally competition advocacy refers to non-enforcement activities conducted by the competition authority related to the promotion of a competitive environment for economic activities, often through relationships with other governmental entities. The Competition Council of the Republic of Lithuania is using this tool but the practice has shown that in some instances, it is insufficient.

Fortunately, besides competition advocacy, the Law on Competition of the Republic of Lithuania (Article 4) provides the Competition Council with a special power to examine the conformity of legal acts or decisions adopted by public administrative bodies with the requirements of the Law on Competition. This obliges public administrative bodies to ensure fair competition and prohibits the adoption of legal acts or decisions which grant privileges to or discriminate against any undertakings or groups of undertakings and which creates or may create differences in the conditions of competition for undertakings competing in the relevant market, except where the differences in the conditions of competition cannot be avoided because of the requirements of the Lithuanian legislation. In appropriate cases, the Competition Council may order public administrative bodies to amend or revoke legal acts or decisions restricting competition.

Even though this process, as well as the possible litigation involved may be rather long, which could in some instances lead to the disputed legal act or decision being out of date, this tool is much more effective than traditional competition advocacy instruments for the following reasons: the decision of the Competition Council is compulsory, it might be used as prima face evidence in damage actions and it has both individual and general deterrent effect. Examples of practical implementation of this tool can be found at www.konkuren.lt

The ECN Chief Competition Economist Working Group

In June 2005, the ECN Plenary approved the creation of a Chief Competition Economist (CCE) Working Group. The primary purpose of this Working Group is to share technical expertise and to improve the understanding of complicated quantitative analytical tools. This includes, for instance, discussing case-related application of econometric or simulation modelling. Closer contact between economists of EU competition authorities should help developing a coherent approach in the application of such modelling tools to competition policy. Due to confidentiality reasons, participation in this working group is limited to EU competition authorities. For non-case related issues Norway and the UK Competition Commission also participate.

The CCE working group meets twice a year. In the late spring a meeting is held in Brussels while the autumn meeting is held in one of the EU Member States. In 2008 this meeting took place in Madrid, in 2009 in Bonn, and in 2010 in Lisbon. The participants are all economists, either chief economists if the authority has such a position, or senior economists.

Broadly the agenda points can be divided in four types. One type is based on cases, either from the National Competition Authorities (NCAs) or the European Commission. Often the cases are grouped together so that there will be two or more cases dealing with the same broad topic. Up to now, a broad range of subjects such as abuse of dominance, mergers in specific markets, cartel investigations and application of econometric tools to market definition has been discussed.

The second type of agenda points deals with policy discussions, such as vertical restraints. The third type concentrates on reflections on what could be called “methodological themes” including the gathering and use of economic evidence, quantitative techniques for competition analysis, use of surveys as investigative tool and ex-post evaluations of competition policy intervention.

The fourth type of agenda points consists of presentations by invited academic economists. These sessions aim at providing the participants with either a survey of the newest academic literature within an area of economics relevant to competition policy or the views of one or more academics on a specific policy issue which is being debated. Those sessions have included a presentation on competition issues and investment incentives in two-sided markets by Paul Belleflamme of Université Catholique de Louvain; a discussion on buyer power and competition policy by Roman Inderst of University of Frankfurt and Imperial College, London; the presentation of the opinion of a subgroup of DG Competition’s Economic Advisory Group on Competition Policy dealing with vertical restraints “Hardcore restrictions under the Block Exemption Regulation on vertical agreements: An economic view” by Nikos Vettas of Athens University of Economics and Business and Pierre Régibeau of University of Essex exposing his views on vertical restraints.

The Chief Competition Economist working group has been very successful in creating a forum where economists from the ECN Members can exchange views on both methodological and policy issues and learn from each others’ experiences. The close personal contacts that result from regular meetings also allow the members of the Working Group to draw on the competences and experiences of the other authorities, something that may prove useful in cases where a particular competition authority has not yet built up expertise in-house.

Conseil de la concurrence / Inspection de la concurrence
Competition Council / Competition Inspectorate

LUX

Date of creation: 17 May 2004

Basic institutional information:
In Luxembourg, competition cases are investigated by the Competition Inspectorate, which is a service of the Ministry of the Economy and Foreign Trade headed by the Rapporteur General. The decisions are taken by the Competition Council, which is an independent administrative authority composed of three members (a President and two counsellors).

Competition review court: Administrative Court and Administrative Court of Appeal of Luxembourg

Legal Basis: Law of 17 May 2004 relating to competition

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The Need for Cooperation beyond Competition Authorities: Cooperation with Sectoral Regulators

The aim of the ECN is to promote cooperation between the national competition authorities (NCAs) and the European Commission (DG Comp). The success of this network over the last six years demonstrates the need and the effectiveness of cooperation between competition authorities under all its forms. It allows authorities to learn from the experience of others. However, the experience from competition authorities does not always fit completely with the specific national legal or economic circumstances of other authorities.

Therefore, cooperation with sectoral regulators is of particular relevance as a complement to the cooperation with other NCAs. Not only do the sectoral regulators have a large amount of data at their disposal, but they also have a deep knowledge of the functioning of the local markets in the relevant sector. Good relationships and exchange of information between competition authorities and sectoral regulators in accordance with the applicable legal framework thus allows for a swifter and more informed approach to a given file. Furthermore, such cooperation may lessen the burden on undertakings, as they do not have to deliver the information twice. The Luxembourg competition law contains an interesting provision relating to this issue: pursuant to Article 30 of the law, the competition authority is entitled to ask sectoral regulators for information they are in possession of, even if confidential, if this is needed to verify compliance with competition law.

Such inter-administrative cooperation is of course subject to a certain number of conditions. First of all, it is to be defined which authority should be regarded as sectoral regulator. It seems undisputable that authorities set up in the process of the liberalisation of former (state owned) monopolies must be regarded as such, as their ultimate goal is to create the conditions for effective competition in these markets. In Luxembourg, cooperation with the authority covering these markets is developed: it includes delivery of documents and information as well as technical assistance.

Other national authorities also have a deep knowledge of specific sectors, but without having to take competition considerations into account. This is the case for sectors requiring specific prudential supervision, such as banking, insurance, payment systems or stock markets. With regard to cooperation obligations, it is certainly helpful to consider these authorities also as sectoral regulators. However, the issue of a possible cooperation has not yet been raised in Luxembourg. Although cooperation with these authorities may face a certain number of obstacles, linked for instance to professional secrecy considerations, a modus vivendi could certainly be found in the absence of formal and clear legal provisions.

Latvijas Republikas Konkurences padome
Competition Council of the Republic of Latvia

LV

Date of creation: January 1998

Basic institutional information:
The Latvian Competition Council (CC) is a public administrative institution supervised by the Ministry of Economics. The Competition Law guarantees its independence while carrying-out investigations and taking decisions. The CC was established in replacement of the Committee for Control of Monopolistic Practices which had been set up in 1991, a few months after Latvia regained its independence. The Competition Law which entered into force on 1 January 2002 foresees the liability of market participants for prohibited agreements, prohibits the abuse of dominant positions, provides for merger control (area of competence of the CC) and for protection against unfair competition (area of competence of the court of general jurisdiction).

Competition review court: The Administrative Regional Court

Legal basis: Competition Law

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Year 2010 – Focus on Sector Inquiries

The Latvian Competition Council (CC) completed 2009 with a series of decisions in cartel cases that generated wide interest from the media. Among these was a cartel agreement between Latvia's three leading egg producers, as well as concerted practices among five distributors of Samsung home appliances (see ECN Brief 01/2010). In 2010, an acute need for actions that could help to overcome the prolonged economic crisis arose and the CC had to choose the most appropriate strategy. It was decided to focus on targeted sector inquiries and this resulted in the opening of 12 new sector inquiries, in addition to the eight which were already running.

Why was such priority given? The reasons are manifold. Firstly, sector inquiries are an important source of information and serve as an irreplaceable tool for detecting infringements. In 2009, four out of six cartel decisions including both the above mentioned cases (and six out of seven in 2008), were initiated on the CC's own initiative after information had been gathered in the course of sector inquiries. Such statistics are due to the characteristics of the local economic environment. The CC has not yet received any leniency applications although the leniency programme has been in force since 2004: indeed, in a small country like Latvia, denouncing a competitor is still seen as a bigger risk than risking being detected by the competition authority. This consideration leads to the second reason behind the CC's priority choice. Targeted actions in market sectors enhance the CC's ability to prevent or terminate distortions of competition in those sectors with the most impact on consumers and the national economy. Hence important sectors for individual households (medicine, baby food, sugar production, retail market of day-to-day goods, fuel retail) and businesses (land survey, railroad freight traffic, road construction, fuel retail) have been at the centre of the CC's focus in 2010. Third, inquiries in sectors which have been the subject of previous decisions of the CC provide the opportunity for an ex-post evaluation of the CC's decisions as well as supplementary information for further action.
The fourth reason, and a useful "side-effect" of sector inquiries, is that final reports are made public (as far as possible) and thus help both entrepreneurs and economists to understand the situation in the markets concerned.

Finally, in 2010, the CC has initiated six infringement cases, published six final reports and made serious competition advocacy efforts to introduce changes where it was found that competition is distorted by the regulations of local municipality.

Uffiċċju għall- Kompetizzjoni Ġusta
Office for Fair Competition

MT

Date of creation: 1995

Basic institutional information:
General enforcement of competition rules is partly the responsibility of the Office for Fair Competition (OFC), a directorate within the Consumer and Competition Department and partly the responsibility of the Commission for Fair Trading (CFT), an independent administrative tribunal presided by a magistrate, an economist and an accountant.

The OFC is the main body responsible for the day-to-day running of the Competition Act: Competition cases that involve national competition law are investigated and decided upon by the OFC. Competition cases that involve Articles 101 and 102 TFEU are investigated by the OFC but are ultimately decided upon by the CFT. The CFT is the sole body competent to issue interim measures.

Competition review court:
The CFT reviews the decisions of the OFC.

Legal basis: The Competition Act contains two main prohibitions which are closely based on the corresponding prohibitions of Article 101 and 102 TFEU.

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2010 - a Landmark Year for the OFC

Earlier this year the OFC issued a number of decisions, two of the most interesting of which relate to the bulk LPG market and to a cartel in the bulk and packaged cement market.

The OFC investigated a complaint from a bulk LPG distributor, alleging that the incumbent supplier which is the sole importer of bulk LPG, refused to supply it with bulk LPG as a result of a series of agreements between the incumbent and two undertakings operating in the bulk LPG market. The conclusions reached by the OFC were 1) that the non-compete clauses present in such agreements were necessary to implement the main operation which is the transfer of the LPG business from the incumbent to the two undertakings, 2) the exclusive supply obligation did not have the effect of causing an appreciable restriction of competition, 3) there was no denial of access to supplies of LPG to bulk LPG distributors, 4) bulk LPG distributors were not hampered in carrying out their activity in the downstream retail bulk LPG market, and 5) the bulk LPG requested by the complainant from the incumbent could not be regarded as an indispensable/essential input since the complainant had a realistic actual alternative to obtain the bulk LPG necessary to operate. No infringement of Articles 5 and 9 of the Competition Act was therefore found.

In another case, the OFC had received a complaint from a road haulier alleging that the sole importing company of bulk and packaged cement and a group of cement road hauliers were in breach of the Competition Act by excluding it from the activity of transporting cement from ports to customers. The OFC found that the group of cement road hauliers had entered into a horizontal customer allocation and price fixing agreement/concerted practice on the basis of which the group transported cement for the whole country to the exclusion of any other road haulier thereby infringing Article 5 of the Competition Act. The OFC also found that the sole cement importing company was engaged in a vertical agreement/concerted practice with the same group of cement road hauliers on the basis of which they refused to supply cement to the complainant for distribution, thereby facilitating the objective of the cartel, and was also in breach of Article 5 of the Act. The decision is currently under review by the CFT.

Nederlandse Mededingingsautoriteit (NMa)
Netherlands Competition Authority

NL

Date of creation: 1 January 1998

Basic institutional information:
The NMa is an autonomous administrative agency and works to ensure fair competition in the Netherlands, enforcing the prohibition of cartels and abuse of dominant positions and assessing mergers. The NMa is also an industry-specific regulatory body for the energy and transport sectors. Decisions are taken by the Board of the NMa. The Board consists of three members. The NMa employs almost 400 staff.

Competition review court:
Rechtbank Rotterdam (Rotterdam District Court)

Legal basis:
Mededingingswet (Dutch Competition Act)

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Organigram

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Towards smarter Enforcement

Recent reports show that the Netherlands Competition Authority (NMa) is an efficient agency in the field of competition law enforcement as well as with regard to energy and transport market regulation. In 2009, the NMa's Chief Economist Office measured the NMa's outcome, in terms of fiscal savings, for Dutch consumers as amounting to € 328 000 000.

The NMa sets its priorities on a biannual basis in order to ensure that we not only use smarter enforcement tools but that these are used in the sectors which need it most. The currently prioritised sectors are: processing industries, financial and professional services, healthcare, energy networks and transport.

One of the methods of smarter enforcement relates to the interaction between competition law enforcement and 'public interests'. Public interests are interests that need to be safeguarded by the government, either partially or completely, such as consumer protection and environmental interests. We are drawing on our accumulated knowledge of markets and our co-operation with other Dutch and international regulatory agencies to fine-tune our vision of market development. In this way, we can profit from each other's expertise. The NMa is carrying out well-considered, targeted budget cuts to ensure that the effectiveness of our enforcement remains at its peak in these challenging times. The NMa also aims to address issues such as sustainably competitive markets with a focus on consumer welfare. In this context, we would like to draw your attention to the Special Project of the ICN Jubilee Annual Conference 2011, which is organized by the NMa, will take place on 17-20 May 2011 in The Hague, and will focus, among other topics, on the relevance of consumer welfare in competition enforcement.

The NMa ranks highly in international agency assessments, such as the recently published Global Merger Control Index (3rd in the world in efficient merger control). We believe that in order to enforce competition law most effectively it is important to remain in dialogue with not only national stakeholders such as politicians, academics and the business community, but also to establish best practices with our fellow authorities of the European Union and internationally.

New Format of Energy Subgroup Workshop successfully implemented

This year the ECN Energy Subgroup has organised several meetings in "workshop" format on specific competition issues in energy markets. The purpose of these workshops, which took place at the premises of DG Competition in Brussels in June, was to allow for direct and in-depth exchange of experience on a technical level between national competition authorities (NCAs) and the Commission on selected topics. The workshops concerned energy-related subject-matters which were of particular interest for many NCAs, e.g. because they have recently obtained hands-on case experience on the topic or because of their interest in learning more about theories and investigative techniques related to a specific group of cases.

The workshops differed from previous ECN Energy sub-group meetings, notably regarding the novel "round table" format which departed from the previous practice to hold larger meetings in the Commission's conference centre. While previous experience showed that larger sub-group meetings often lacked sufficient time for an in-depth debate on all relevant legal and technical issues, the "round table" workshops allowed participants to "dig" into a subject for a full day.

The "workshop experiment" was considered a success by participants. First, many NCAs participated actively in the workshops. The high level of expertise of different NCAs allowed for in-depth debates between ECN network experts. Secondly, as a result of the active participation by participants, NCAs and DG Competition could reach a common understanding on several complicated and debated case-related matters. All in all, the "round table" workshop format provided a valuable opportunity to be able to debate in detail technically complicated issues regarding competition law enforcement in electricity and gas markets. Last but not least, the workshops also allowed for informal networking between ECN network experts, which may help bridge the distance and motivate colleagues to get in touch with each other more frequently.

Urząd Ochrony Konkurencji i Konsumentów
Office of Competition and Consumer Protection

PL

Date of creation: 24 February 1990

Basic institutional information:
The President of the UOKiK is a central independent authority of the state administration. It is responsible for shaping antitrust and consumer protection policy. The Office has headquarters in Warsaw and nine local branches.

Competition review court:
Court of Competition and Consumer Protection

Legal basis:
Act on competition and consumer protection

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Our current Priorities

This year, the Office of Competition and Consumer Protection (the Office) celebrated its 20th establishment anniversary. Since its creation, the UOKiK has endeavoured to protect competition and consumers in the relatively young Polish market economy. The concentration of powers to pursue both competition and consumers policies under one roof has proved to be a good idea and created synergy effects.

The numbers show the importance of the Office's achievements. In 2009 which proved to be a record year, the UOKiK imposed fines totaling PLN 558 000 000 (approximately € 130 000 000). In 2009 alone, the Office carried out 668 proceedings related to competition-restricting practices and 857 proceedings related to the infringement of collective consumer rights (including formal investigation procedures) and issued 107 and 222 decisions respectively in these fields. The decision in one of our recent cases – Tikkurila - can be mentioned as an example in this regard. As a result of the leniency programme, vertical collusion between a paint producer and two home improvement stores was put to an end and the UOKiK imposed on the entrepreneurs fines totaling PLN 50 000 000 (approximately € 12 500 000). The statistics as well as this particular case show that effectiveness is one of our highest priorities. It is also worth noting that 80 % of the Office's decisions are upheld by the courts.

The other priorities of the Office are transparency and advocacy. In conjunction with its law enforcement and advocacy work, a number of guidelines about the application of the Polish antitrust laws aiming at promoting transparency and encouraging compliance have been developed by the Office in recent years. For instance, the Guidelines on setting fines for competition-restricting practices have been applicable as of January 2009 - to name just one. This year, we have also published new Guidelines on merger control. These soft law measures help practitioners, policy makers, businesses, and consumers to understand antitrust laws and policy. In parallel, we are keen on bolstering confidence in the market through public education and outreach efforts directed at both consumers and businesses.

The Office's priorities for the next years regarding competition protection include the improvement of the methods for detecting anticompetitive practices, especially cartels, which are the most detrimental to the economy; the improvement of merger control and the introduction of a more effective system for state aid monitoring. We are also taking an active role in the preparations for the forthcoming Polish Presidency of the Council of EU. We hope that this will be a good opportunity to promote enhanced knowledge about competition and consumer protection.

Autoridade da Concorrência
Portuguese Competition Authority

PT

Date of creation: 2003

Basic institutional information:
The Portuguese Competition Authority (PCA) is an independent public institution with regulatory powers on competition for all sectors of the economy, including the regulated sectors, the latter in coordination with the relevant sector regulators. The Authority has the mission of ensuring the enforcement of competition rules in Portugal, based on the respect of the market economy and the principle of free competition, taking into consideration the efficient functioning of the markets, the effective allocation of resources and the interests of the consumer. In order to perform its duties, the Authority has sanctioning, supervisory and regulatory powers.

Competition review court: Lisbon Commercial Court

Legal basis:
Law No. 18/2003, of 11 June 2003
Decree-Law No. 10/2003 of 18 January 2003

Manuel Sebastião, President

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Serving Competition – an Interview with President Manuel Sebastião

Enforcement: How do you assess the action of the PCA?

The mission of the PCA is to ensure compliance with Portuguese and EU competition law and to promote competition advocacy. Although it is still a very young agency, only seven years old, the PCA has established itself as a very active enforcement agency. Parliamentary scrutiny of the PCA activities has provided the PCA with an opportunity to report on all aspects of its work. The PCA's close cooperation within the ECN has been crucial to reaching its objectives. The EU-wide best practices have been absorbed as long as they are compatible with our domestic legal system.

2011: What are the PCA priorities for the coming year?

The PCA will focus on consolidating its current practice, in particular with regard to due process. The PCA's commitment to the robustness of its decisions is already evident in the increasing numbers of fully upheld PCA decisions by the Portuguese review courts, both on procedural and substantive grounds. In 2011, we intend to go beyond this achievement and reinforce transparency and legal certainty, namely by producing a handbook on PCA's internal procedures. The PCA will act vigorously against any breaches of competition law, and will pay special attention to the cases where its intervention is likely to contribute the most to improving competition in the Portuguese economy, working in cooperation with our European counterparts.

Advocacy: How important are market studies to the work of the PCA?

Market studies are fundamental in developing an independent and rigorous economic analysis able to sustain the demanding remit of a competition authority. The PCA's market studies have deepened our understanding of markets and contributed to move the domestic debate on particularly sensitive issues from mere opinions and perceptions to a more informed and rational debate. The PCA's market studies have greatly benefited from interaction within the ECN, learning from good practices, and have in turn contributed to a growing body of European knowledge on competition law and economics. Recently, the PCA published two major market studies, one on the liquid fuel and bottled gas sectors, and the other on the relationship between the large retail groups and their suppliers both with a range of targeted recommendations.

Consiliul Concurenței
Romanian Competition Council

RO

Date of creation: 30 April 1996

Basic institutional information:
The Competition Council is an autonomous administrative body. Its areas of competence are the enforcement of national and EU antitrust rules, merger control, state aid monitoring and competition advocacy.

The decision-making body is the Plenum which consists of seven members: the president, two vice-presidents and four competition counselors.

Competition review court: Bucharest Court of Appeal and the High Court of Cassation and Justice.

Legal basis: Competition Law no. 21/1996, republished, as amended and completed by the Government Emergency Ordinance no.75/2010.

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Amendments to the Competition Law increase Convergence with EU Competition Rules and consolidate the Competition Council's Powers

The latest amendments to the Competition Law no. 21/1996, in force since 6 August 2010, bring significant changes to the national legal framework on competition and lead to increased convergence with Regulation 1/2003.

In the area of antitrust, the main changes concern the abolition of the notification system for individual exemptions and the introduction of a reference to the EU block exemption regulations, which will apply also to national cases. The Competition Council's powers to request information and to conduct unannounced inspections have been clarified. One element of novelty is the introduction in the national legal system of specific provisions on the treatment of information and documents covered by the legal professional privilege. The Competition Council has also been granted the power to issue commitments decisions, adopt interim measures, impose remedies and make use of other instruments aimed at encouraging cooperation with the competition authority and increasing the effectiveness of the sanctioning policy.

The competition law has contained from its initial enactment, provisions on criminal sanctions applicable to natural persons in relation to antitrust offences. The latest amendments now empower the courts to impose on the convicted individual, in addition to a prison sentence, a ban on the exercise of a profession or on the conduct of any economic activity similar in nature to the one used for committing the offense.

In the field of mergers, one major amendment regards the change of the compatibility test from the "dominance test" to the SIEC test so that the competitive analysis would be based on the foreseeable effects of mergers on competition. This change will allow for a more flexible approach of merger control, in line with the practice of the Commission and other national competition authorities. Provisions allowing the pre-notification of mergers and the use of a simplified procedure in certain cases have also been introduced (see ECN Brief 04/2010).

In addition, it is expected that the effectiveness of the Competition Council's interventions against anti-competitive actions of public authorities will increase, as the Council has the right to challenge in court administrative acts which breach competition rules.

Following the significant changes in the competition law, an extensive process of revision of the national secondary legislation is currently being undertaken.

Competition Protection Office
Slovenian Competition Authority

SI

Date of creation: October 1994

Basic institutional information:
The Competition Protection Office has the responsibility for enforcing and applying competition law and policy, including both the Prevention of the Restriction of Competition Act (ZPOMK-1) and Articles 101 and 102 TFEU. Its responsibilities also include submitting opinions to the National Assembly and the government on issues related to competition, and monitoring and analyzing market conditions to the extent necessary for the development of effective competition.

The office is managed by a Director who is appointed for a five year term by the government on proposal of the Minister for the Economy. The Director is responsible for all activities carried out by the office; moreover, he also serves as chairman of a three member's panel which issues the decisions on competition investigations carried out by the office.

Competition review court:
The Supreme Court of the Republic of Slovenia

Legal basis:
Prevention of the Restriction of Competition Act (ZPOMK-1)

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Different Aspects of Competition

Effective competition is one of the basic conditions for the efficient functioning of a market economy. Yet, competition does not necessarily occur on its own: the level of its effectiveness depends both on the participants in the market and also on those who shape the appropriate competition policy and guarantee its protection, which can be seen as an expression of the competition culture.

The state is an important actor in the protection of competition. This is reflected in the existence of legal rules that regulate economic activities in the market in a user-friendly and clear manner, in properly qualified authorities entrusted with the protection of competition, and, of course, in the efficient implementation of the rules in practice.

Free economic initiative is not to be unduly limited; but it is reasonable to place it within a certain framework in order to prevent its abuse to the detriment of competition and consumers. Stronger competition culture and a higher level of effective competition cannot be achieved only through enforcement measures; very often problems can be overcome through dialogue. Lately more than ever, competition authorities - the Competition Protection Office of the Republic of Slovenia being no exception - also have the role of engaging in so-called "competition advocacy", i.e. activities aimed at the strengthening the competition culture.

Attaching greater importance to economic analyses in decision-making processes and establishing links with other authorities in charge of implementing and protecting competition at home and abroad are a critical precondition for the efficient functioning of the market, the end results of which ensure the best possible range at the best possible prices, to the benefit of final consumers.

The ECN Banking and Payments Subgroup: A successful web of network industry professionals

The ECN Subgroup on Banking and Payments has been a particularly active platform in the last couple of years for the exchange of ideas, knowledge sharing and actual co-operation on cases.

Broadly speaking there were two major areas of focus of the Subgroup's activity, namely the cases related to multilateral interchange fees (MIFs, which are interbank fees collectively set and charged by banks participating in a payment card network for each purchase transaction) against Visa and MasterCard and the Single Euro Payments Area (SEPA).

• The cases against MasterCard and Visa

The European Commission's proceedings against MasterCard and Visa do not cover Member States in which MIFs are set by national associations of banks operating under the MasterCard or Visa systems which can be investigated by the national competition authorities (NCAs). This explains why there is a need for a proactive cooperation in the ECN in these markets.

Members of the subgroup were and are continuously informed and updated on the state of play of proceedings in these cases as well as the underlying economic theory (the so called tourist test) and also on the related study on the comparison of the costs of payments by cash and by cards. The momentum created by the decisions of the European Commission and a number of NCAs and the open dialogue in the framework of the Subgroup raised awareness of the competition concerns in the payments markets. More and more NCAs are currently investigating these markets.

In addition to the practical advantages of cooperation, the deep involvement of the experts of Member States and of the Commission also helped to advance all participants' knowledge of the economics of the payment card schemes and the competition issues in this sector, and to establish a common understanding of the possible ways to tackle the competition problems.

• The SEPA experience

Another focal point of the work in the Subgroup has been the SEPA process and in particular SEPA direct debit (SDD). SEPA is a self regulatory initiative of the European Banking industry aimed at achieving an integrated Euro payment area, which ensures that cross border payments become as easy as domestic payments.

NCAs have provided DG Competition with valuable input and information in the framing of the discussions with the industry on SEPA, which has led to a number of clarifications of the SEPA Rulebook.

As regards SDD in particular, the Subgroup meetings proved to be a highly suitable forum for the exchange of ideas in this respect. In the field of SDD, such discussions focused on whether a MIF per transaction for SDD should be agreed. Whilst a number of clarifications related to the compatibility of MIFs with competition rules in the field of SDD have already been brought to market actors, further developments are ongoing, with the active involvement of NCAs.

Protimonopolný úrad Slovenskej republiky
Antimonopoly Office of the Slovak Republic

SK

Date of creation: 1990

Basic institutional information:
The Antimonopoly Office of the Slovak Republic (the Office) is a central body of state administration of the Slovak Republic for the protection and promotion of competition. The Office decides at two instances: the first instance decisions are adopted by the relevant division of the Authority (Division of Agreements Restricting Competition, Division of the Abuse of Dominant Position, Division of Concentrations). Appeal against the first instance division decision is possible to the Council of the Office. The Council of the Office consists of the Council Chairperson, Council Deputy Chairperson and five members of Council. Five members of the Council are external experts in law or economics.

Competition review court:
Regional Court in Bratislava, Supreme Court of the Slovak Republic decides on the appeals

Legal basis: Act on Protection of Competition (136/2001 Coll.)

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Competition Highlights of 2010

In 2010, the Office continued its consistent enforcement practice as well as its advocacy initiatives.

Concerning cartel enforcement, the Office initiated an amendment to the Penal Code in order to extend the scope of the Leniency Programme to criminal proceedings. Pursuant to the amendment in force since 1 September 2010, individuals belonging to an undertaking that fulfilled the criteria for leniency pursuant to the Competition Act are exempted from criminal enforcement. This new amendment should contribute to the effectiveness of the Leniency Programme and the fight against cartels (see ECN Brief 04/2010).

Still with regard to the fight against cartels, the Office organised in 2010 a series of workshops for public procurers about bid-rigging in order to create a platform for sharing experiences explaining potential signals that indicate collusion and to establish criteria to eliminate coordination. A practical handbook was issued in this regard. The Office has also established cooperation with authorities that might have knowledge of information and indications about bid-rigging due to their activities.

Although the Slovak procedural framework lacks a specific provision on settlement procedures, the Office, having being approached by the undertakings with requests for settlement, has made use of this tool in practice in cases of vertical agreements restricting competition to date. Due to the increased interest of undertakings in such a procedure and in view of guaranteeing transparency, a handbook was dedicated to the settlement procedure.

The Office has also prepared some amendments to the Competition Act as regards both the antitrust and the merger framework. The new provisions should provide for more flexibility and introduce more efficient proceedings mainly in the field of merger control. A public consultation will be launched on the draft.

In addition, the Office was very active in 2010 in providing comments and opinions on governmental draft bills in order to prevent the introduction of anticompetitive provisions in various areas.

Last year, the economic collegium was established within the Office aiming towards a more effects–based approach in antitrust cases. One of the cases reflecting this approach is the Slovnaft case in which the consumers´ surplus affected by the restrictive practices was quantified based on economic analysis.

Sector inquiries (SI) were also initiated mainly in the energy sector – gas and heat. The report on the sector inquiry in the gas industry was approved by the Government and is available on the website.

Konkurrensverket
Swedish Competition Authority

SV

Date of creation: 1992

Basic institutional information:
The SCA´s task is to work for efficient competition in the private and public sectors for the benefit of the consumers as well as for efficient public procurement for the benefit of society and participants in the markets. In addition to applying Articles 101 and 102 TFEU, the SCA applies the Swedish Competition Act (2008:579) prohibitions against anti-competitive co-operation and abuse of a dominant position and rules governing concentrations between undertakings. As of 1 January 2010 the Competition Act also includes new rules regarding anti-competitive sales activities by public entities. The authority which is also responsible for supervision of public procurement, has approximately 130 employees (mostly lawyers and economists) and is organized into nine departments.

Competition review court:
The Stockholm City Court and the Swedish Market Court.

Legal basis: Swedish Competition Act

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General Information about the SCA

Law enforcement and supervision

In the area of competition, the focus of the activities of the Competition Authority has been on combating cartels as well as intervening against private and public participants who abuse their dominant position in the market. As for the Competition Authority's task of supervising public procurement, it is important that we are being informed of infringements by purchasers or of viewpoints concerning the Public Procurement Act. Approximately one-third of the information that we receive from companies are directed against purchasing by procuring authorities and units. This may involve unlawful direct procurements or unclear tender documents or decisions that are being questioned by suppliers. Verbal and written tips and inquiries are in many cases the basis for our work of tracking down and intervening against serious violations of the provisions that we are applying or are responsible for supervising.

Organization
Our work is often conducted in the form of a project in order to ensure the proper expertise and a high level of quality. The preliminary and final decisions of the Swedish Competition Authority are made by the Director General, in the presence of the chief lawyer and chief economist.

International cooperation
We cooperate with corresponding authorities in other countries and participate in different networks such as the ECN, ECA (European Competition Authorities) and other international organizations. The international cooperation involving procurement issues occurs to a large extent within the framework of the European Commission's advisory committee and the working groups connected with the committee in which our employees participate. The Nordic competition authorities have also developed efficient cooperation within the area of competition and public procurement.

Research
The Council for Research, whose members are appointed by the Competition Authority conducts stimulating research in the competition and procurement areas and informs the Swedish Competition Authority of developments in the area of law and economics that are of significance to its activities.

Office of Fair Trading (OFT)

UK

Date of creation: 1973

Basic institutional information:
The OFT is a non-ministerial government department set up by the Fair Trading Act 1973. It has both competition and consumer responsibilities, with about 650 staff. The OFT is run by a Chief Executive and a Board headed by a Chairman. It applies UK and EU Competition Law together with those sector regulators who have competition powers in respect of their particular sectors. It can carry out its own market studies and make market investigation references to the UK's Competition Commission. It also refers mergers to the Competition Commission for Phase II investigations.

Competition review court: Competition Appeal Tribunal

Legal basis:

Competition Act 1998
Enterprise Act 2002

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http://www.oft.gov.uk/

Targeting Enforcement and Promoting Competition

This year the UK competition regime celebrated its tenth anniversary. The UK Competition Act 1998 (CA98), which came into operation in 2000, followed the EU model in the prohibitions against restrictive agreements and abuse of dominance that it introduced into UK competition law: this provided a sound framework within which the UK could begin applying EU competition law in 2004. Pursuant to the Enterprise Act 2002, the OFT can also investigate and prosecute individuals who have dishonestly been involved in cartel activity.

The OFT has adopted a number of major decisions imposing substantial fines, most recently for a bid-rigging cartel in the construction sector and for price coordination between producers and retailers of tobacco products.

The OFT has also worked with businesses to encourage compliance and promote good practices. In 2010, it conducted parallel research projects looking at what factors drive businesses to comply with both competition and consumer legislation, and how companies go about doing this. A competition compliance working group with representatives from business organisations was set up to help improve the way the OFT communicates with businesses about compliance.

The OFT carries out market studies which allow it to look broadly at entire markets to see whether they are working well for consumers: in 2010, it launched new market studies, including on outdoor advertising and aggregates (covering concrete and asphalt used in houses and roads). As part of ongoing advocacy work, it published a paper on 'Government in Markets' to help policy makers to be mindful of the possible impact of intervention on competitive markets. Its other work in this area includes examining the role of markets and competition in the provision of public services.

The OFT continues to look at how to improve the transparency of its activities. It published a transparency statement in May, and it has been consulting on its CA98 investigative procedures (see ECN Brief 04/2010). On a conservative estimate it has assessed its competition enforcement interventions to have saved the consumer an average of £ 84 000 000 (approximately € 72 000 000) over each of the past three years. It has also looked internally at its structures to ensure that the cases it takes up will best help it in its main mission of making markets work well for consumers and that it can deal with such cases efficiently and effectively.

See the Legislation and Policy section of ECN Brief n° 5 for details of proposals to streamline the UK competition and consumer regimes.

European Commission (DG Competition)

COMP

Date of creation: 1958

Basic institutional information:
The European Commission is entrusted by the European Treaties with the implementation of EU competition law, in accordance with the enforcement regulations in place. DG Competition is the service of the Commission that investigates cases, conducts procedures and prepares decisions under the supervision of the Commissioner in charge of competition and in cooperation with other Commission services as foreseen by the Commission's internal rules. Final decisions on competition cases are adopted by the College of the Commission.

Competition review court: General Court and Court of Justice

Legal basis: Treaty on the Functioning of the European Union

European Commission
Competition

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The European Commission in the ECN

As regards the role of the European Commission in the competition field, two aspects can be highlighted: the Commission takes direct enforcement action against companies or governments when it finds evidence of unlawful behaviour – be it collusion between competitors, abusive behaviour by dominant companies or attempts by government to distort competition by providing disproportionate aid for particular companies. It prevents mergers when they would significantly reduce competition. Moreover, the European Commission works in partnership with Member States' competition authorities (NCAs) and courts to ensure an effective and coherent application of EU competition law, thereby contributing to a level playing field in the Single Market.

In relation with its own enforcement work in the antitrust area, the Commission has recently undertaken an initiative on Best Practices covering antitrust proceedings, the role of the Hearing Officers and the submission of economic evidence, with a view to make its procedures more transparent, predictable and ultimately more efficient. The Antitrust Best Practices detail internal proceedings, starting with how the Commission decides upon case priority and ending with the adoption of a decision. The Best Practices package has been provisionally applied since January 2010. It will be finalised taking into account in an appropriate manner comments received from stakeholders in the context of the public consultation.

The European Commission – represented by DG Competition – actively participates in ECN activities generally. In this context, the European Commission has a particular role to play through the mechanism foreseen in Article 11(4) of Regulation 1/2003, which has turned into the basis of a fruitful cooperation with the NCAs. Indeed, the European Commission has been informed on this basis of more than 450 envisaged decisions from NCAs. DG Competition has submitted observations to the NCAs in many cases, provided mostly in an oral form but also in writing. They covered minor comments or were related to particular aspects of the envisaged decisions in order to promote a uniform approach (e.g. product market definition, coordination with on-going Commission cases or case-law of the EU Courts). However, none of these cases resulted in the Commission initiating proceedings pursuant to Article 11(6) to relieve an NCA of its competence.

DG Competition is also an active participant in the horizontal cooperation in ECN Working Groups and subgroups. It hosts numerous - but not all - ECN meetings including the annual meeting of Directors' General and the ECN Plenary meetings.

The ECN work on milk : how the Commission's communication on "Food supply chain" and national sector inquiries fed into EU guidance to milk producers

On 28 October 2009, the Commission published a cross-cutting analysis of the situation of farmers, processors and distributors in its Communication "A better functioning food supply chain in Europe". It explained the reasons behind the wide fluctuations in prices that have been experienced from mid-2007 to May 2009 and the challenges that had to be overcome in order to promote sustainable and market-based relationships between stakeholders and to foster the integration and competitiveness of the European food supply chain. The Commission also recommended a number of policy initiatives, including developing tools to ensure the transparency of prices, defining sets of standard contracts, and implementing consistently relevant competition rules as regards concerted practices and abuses of a dominant position on the basis of a common approach to relevant competition issues that would be defined within the ECN.

National Competition Authorities have also recently conducted sector inquiries and advocacy activities, namely the UK Competition Commission (August 2009), the French Autorité de la concurrence and the Romanian Competition Council (October 2009), the Dutch NMa (December 2009), the Spanish Comisión Nacional de Competencia (June 2010) and the Portuguese Autoridade da Concorrência (October 2010). The Bundeskartellamt and the Bulgarian Commission on Protection of Competition are currently completing their activities in this field.

The ECN Food Subgroup was given the opportunity, in November 2009, to discuss the competition-related issues of the "Food Supply Chain" Communication and to benchmark NCAs' analysis of the operation of the food supply chain in their domestic territory and their respective antitrust activities.

During this meeting, DG Competition suggested that a "Joint Working Team on Milk" be set up open to all interested NCAs so as to survey further the operation of the milk sector and provide input to the High Level Group on Milk, which had been created on 5 October 2009 upon the initiative of the Commissioner for Agriculture and Rural Development. This suggestion was approved by the NCAs, which also appointed two "rapporteurs", the Autorité de la concurrence and the Bundeskartellamt, so that they could voice their views and assist DG Competition in its presentation of the interplay between competition rules and the Common Agricultural Policy to the High Level Group. The "Joint Working Team on Milk" regularly reported to the ECN Food Subgroup and submitted it a draft working document and a draft user-friendly brochure on this topic. These documents provide clarification on how competition law applies in the agricultural sector. They note in particular that competition law provides protection for farmers who compete on the merits, and that, cooperation is not prohibited where it results in efficiencies and the parties' market shares remain under certain thresholds. Efficiencies encompass, for example, the joint commercialisation of raw milk, including through intermediate organisations or associations, the joint processing of raw milk in cooperatives, or the joint use of common facilities, such as trucks and tanks. However, in principle, agreements between competitors which involve price fixing and affect trade between Member States are contrary to Article 101 TFEU. These documents were published on 16 February 2010.

Further analysis has been engaged in with regard to the first three recommendations of the High Level Group on Milk issued on 15 June 2010 which touch upon competition law.

EFTA Surveillance Authority

Date of creation: 1 January 1994

Basic institutional information:
The EFTA Surveillance Authority ("the Authority") ensures that the three EFTA States Iceland, Liechtenstein and Norway comply with their obligations under the Agreement on the European Economic Area (the "EEA Agreement") and that undertakings comply with the EEA competition rules. The purpose of the EEA Agreement is to expand the internal market of the EU so that it also includes the EFTA States. The Authority is located in Brussels.

The EEA rules on competition are equivalent to the EU competition rules. Anti-competitive agreements (Article 53 EEA) and abuses of a dominant position (Article 54 EEA) are prohibited while large mergers are subject to control (Article 57 EEA).

Competition review court: The EFTA Court in Luxembourg

Legal basis:
The EEA Agreement and the Surveillance and Court Agreement

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Homogeneous Application of the EEA Competition Rules

The EEA competition rules are enforced across the EEA by the Authority and by the European Commission. The EEA Agreement is based on the "one-stop-shop" principle: either the European Commission or the Authority, but not both, will be competent to handle a given case.

The Authority enforces Articles 53 and 54 EEA in the territories of the EFTA States Iceland, Liechtenstein and Norway and has equivalent powers and similar functions to those of the European Commission in this respect. The Authority enjoys wide powers of investigation and may impose fines of up to 10% of global turnover on undertakings that breach the competition rules.

In 2010, the Authority imposed a fine of € 12 900 000 on the incumbent postal operator in Norway for abuse of its dominant position in relation to the distribution of business-to-consumer parcels with over-the-counter delivery. The Authority found that long-term exclusive agreements concluded with leading retail groups in connection with the restructuring of the distribution network for postal services were abusive since they had made it difficult for competing suppliers of parcel delivery services to establish competitive networks of collection points for their parcels.

The Authority seeks to develop and maintain uniform surveillance throughout the EEA and to promote homogeneous implementation, application and interpretation of the EEA competition rules. The Authority and the European Commission co-operate to that effect, both formally and informally.

By virtue of Article 1A of Protocol 23 to the EEA Agreement, and in the interest of homogeneous application of the EU and EEA competition rules, the Authority as well as the national competition authorities of the EFTA States participate in ECN meetings together with the Commission and the EU NCAs. The authorities concerned have the power to make available all information necessary for the purpose of discussions of general policy issues, but such information cannot be used for enforcement purposes. This co-operation mechanism has proven very useful in practice and the Authority and the EFTA NCAs participate frequently in various ECN fora.

Samkeppniseftirlitið
Icelandic Competition Authority

ISL

Date of creation: 1 February 1993

Basic institutional information:
The Icelandic Competition Authority (ICA) is an independent state authority, responsible for the enforcement of the Competition Act. Its decision powers include e.g. the power to impose administrative fines, adopt binding resolutions and annul mergers. The Director General is responsible for its day-to-day operations and reports to a three member non-executive board, appointed by Minister of Economic Affairs. The Authority´s current institutional framework came into effect in 2005. The Authority has 23 employees. It is financed through the State budget.

Competition review court: Decisions of the ICA can be appealed to the Competition Appeals Committee. Its rulings can be appealed before the general courts.

Legal basis: The Competition Act No. 44/2005

SAMKEPPNISEFTIRLITIÐ

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Facing the Crisis

The Icelandic Competition Authority (ICA) considers vigorous enforcement of competition law to be the proper reaction to a financial crisis, and has acted accordingly.

Since the banking collapse in the autumn of 2008 the ICA has fined 16 companies a total of approximately € 9 800 000. Among the companies fined is the largest retailer in Iceland, two of the largest telecommunication companies, and one of the two largest pharmaceutical retailer-chains.

To this end, a record number of cases are being processed and ten dawn raids have been carried out since the beginning of 2009. In the same period, the ICA has annulled or prevented four mergers and imposed conditions on 15.

During the crisis, the ICA has set detailed conditions for banks' ownership of commercial undertakings when they are taken over by banks because of serious financial difficulties. The ICA has addressed the fact that banks as providers of financial services can have adverse effects on competition when acting as owners of undertakings. Therefore they have to sell the undertakings within a specific timeframe and meanwhile manage them on an arm's length basis, according to the aforementioned conditions.

In times of crisis, advocacy plays a significant role in the enforcement of competition law. Since the banking collapse, the ICA has issued several opinions and reports and has been active in discussions on competition policy. This work has mainly been aimed at issues related to the takeovers by banks of commercial undertakings, the ways to reduce barriers to entry and to facilitate economic recovery.

Office of Trade and Transport
Liechtenstein Competition Authority

LIE

Date of creation: 1 January 2007

Basic institutional information:
The competences flowing from the law of 23 May 1996 which regulates the implementation of the European Economic Area competition rules in Liechtenstein, had originally been allocated to the Office of Economy, but were transferred to the Office of Trade and Transport on 1 January 2007.

The Office of Trade and Transport is a governmental authority and is responsible for all matters concerning

- Free Movement of goods, dealt with by its bureaus for Customs and Origin, Market Surveillance, Technical Standards and Accreditation;
- Protection of Consumer Rights and Competition Policy, dealt with by its bureaus for Intellectual Property, Competition Policy and Consumer Protection.
- Transport, dealt with by its bureaus Road Transport, Civil Aviation and Transport Administration.

Legal Basis: Law of 23 May 1996

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General Information about the Office of Trade and Transport

Liechtenstein does not have a national competition legislation. Competition issues are dealt with under international treaties to which Liechtenstein is a signatory, more precisely under the EEA and EFTA Agreements.

According to the EEA Agreement the EFTA Surveillance Authority or the European Commission are competent for individual cases where trade between EEA States is affected. According to the law of 23 May 1996 which regulates the implementation of the European Economic Area competition rules in Liechtenstein, the Office of Trade and Transport (Amt für Handel und Transport) is the competent authority for the implementation of the EEA competition rules, unless the jurisdiction of the courts is foreseen.

In addition, the law of 22 October 1992 on unfair competition ensures fair and undistorted competition in the interest of all concerned. This law is complemented by the law of 23 October 2002 regarding consumer protection, which contains the most important rules for relations between consumers and businesses.

Konkurransetilsynet
Norwegian Competition Authority

NO

Date of creation: 1 January 1994

Basic institutional information:
The Norwegian Competition Authority (NCA) is located in Bergen and has 92 employees. The NCA enforces the Norwegian Competition Act, the purpose of which is to ensure competition and thereby contribute to the efficient utilisation of society's resources. The Act is partly harmonised with the EU competition rules and includes prohibitions against cartels (Section 10 equivalent to Article 101 TFEU) and the abuse of dominance (Section 11 equivalent to Article 102 TFEU). The NCA can issue administrative fines and can also grant leniency. There is an obligation to notify concentrations prior to their implementation, by way of a standard notification.

Competition review court: Ordinary courts.

Legal basis: The Norwegian Competition Act

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Weekly Price Cycles for Petrol in Norway

Petrol prices often trigger intense debates among consumers in many European countries. This is also the case in Norway, and the Norwegian Competition Authority (NCA) receives numerous inquiries about whether competition is working on this market.

In 2008, the NCA initiated a study on competition in the retail market for petrol in Norway. The study is based on a comprehensive collection of data concerning price adjustments and the volumes sold at each price in the period from 2004 to 2008. These data were collected from all filling stations of the four big petrol companies and most of the smaller retail chains operating on the Norwegian retail market.

One of the main observations from the study is that from early 2004 and throughout the period of the analysis, the petrol price follows a weekly cycle. The price cycle is characterised by a price peak each Monday followed by gradually decreasing prices during the rest of the week. This particular price pattern had already been an object of discussion in Norway, even prior to the NCA's study. Part of this discussion was whether the price cycle indicated coordinated behaviour and should therefore be brought to an end by the NCA.

The NCA's study disclosed the existence of significant local variations both at price levels and in price structures across Norway. An interesting observation is that the weekly price cycle typically appears in areas with low prices and seemingly strong competition (a large number of petrol companies present). Areas with weaker competition experience higher and more stable prices.

Furthermore, the consumers seem to have adapted their behavior to the petrol price cycles in the sense that they to a larger extent make their petrol purchases on days with low prices. Volumes sold on Sundays and Mondays (before the price peak) have increased gradually during the period of the analysis. This change in purchase behavior cannot be observed in areas without price cycles.

The study has provided the NCA with an important insight into the Norwegian petrol market. Among the most important observations is the existence of local markets. Additionally, the results of the study indicate that intervention against the weekly price cycles could have negative welfare effects, as stable prices seemingly correspond to a higher price level. In other words: the price cycles observed in the Norwegian markets may be an outcome of competition and not the opposite as was originally alleged.


COMMISSION FOR THE PROTECTION OF COMPETITION


KONKURRENSVERKET
Swedish Competition Authority


GAZDASAGI VERSENYHIVATAL
HUNGARIAN COMPETITION AUTHORITY


AUTORITA' GARANTE
DELLA CONCORRENZA E DEL MERCATO


European Commission
Competition


ROMANIA
CONSILIUL CONCURENTEI


CNC
COMISIÓN NACIONAL DE LA COMPETENCIA


KONKURRENCE- OG FORBRUGERSTYRELSEN


OFFICE OF FAIR TRADING


AUTORIDADE DA
CONCORRÊNCIA


KONKURENTSIAMET
Estonian Competition Authority


LIETUVOS RESPUBLIKOS
KONKURENCIJOS TARYBA


RÉPUBLIQUE FRANÇAISE
Autorité
de la concurrence


CONSEIL DE LA
CONCURRENCE


INSPECTION DE LA
CONCURRENCE


KILPAILUVIRASTO
FINNISH COMPETITION AUTHORITY


economie


BWB
BUNDESWETTBEWERBSBEHÖRDE


NMa


Bundeskartellamt


KONKURENCES PADOME


Antimonopoly Office
of the Slovak
Republic


The Competition Authority


РЕПУБЛИКА БЪЛГАРИЯ
КОМИСИЯ ЗА ЗАЩИТА НА КОНКУРЕНЦИЯТА


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HELLENIC COMPETITION COMMISSION


CZECH REPUBLIC
OFFICE FOR THE PROTECTION OF COMPETITION
ÚOHS


Ministry of the Economy
Competition Protection Office