



ECN Brief

ECN Brief 01/2011

Welcome to the sixth issue of the ECN Brief

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

Dear Reader,

Having closed the first year of the ECN Brief with the Special Issue "A look inside the ECN", we are happy to open the second year of publication with news from December 2010 to February 2011. As in 2010, our objective is to inform you about the activities of the ECN and its members and to reflect the richness of antitrust enforcement actions and policy within the Network.

In the present issue, next to important cases and other developments, we report about sector inquiries and market studies in many sectors directly relevant for the consumers such as the Food Retail sector (Germany and Italy), Energy (Czech Republic, Germany and Portugal), Medicine prices (Latvia), Advertising (France and UK) and Online Gambling (France). A survey on sectoral regulation and competition in various sectors of the economy in Finland is also presented.

The picture of the activities in the Network would not be complete without mentioning the several public consultations which have been recently opened giving stakeholders the opportunity to make their views known on policy initiatives.

The next issue of the ECN Brief will be published mid-May 2011. In the meantime, we wish you interesting reading.

DISCLAIMER:

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ENFORCEMENT & CASES

AUTHORITIES

- o **Belgium:** Authority imposes Interim Measures on De Beers
- o **France:** Fines for Cartel and Abuse of Dominant Position in Road Signs and Safety Equipments Sector
- o **Germany:** Fines imposed on Chemical Wholesalers' Cartel
- o **Italy:**
 - Cartel in Personal Care Products Sector fined
 - Binding Commitments in Sicilian Power Prices Case
- o **Lithuania:** Anticompetitive Insurance Pool Agreement fined
- o **The Netherlands:** Fines for Insulated Glass Manufacturers' Cartel
- o **Portugal:** Authority prohibits RPM affecting Hospital Public Tenders
- o **Spain:**
 - Opening of formal Proceedings in Telecom Abuse Case
 - Monitoring closed in Interchange Fees for Debit and Credit Cards Case
- o **Sweden:**
 - No further Action after Commitments in Schneider Case
 - Cartel in Package Tour Sector
- o **United Kingdom:** Decision in Loan Pricing Case

COURTS

- o **European Commission:** Judgment of the EU General Court on E.ON Breach of Seals' Case

Greece: Technical Chamber of Greece (TEE) fined for adopting a "minimum Cost for Construction Projects"

On 22 December 2010, the Hellenic Competition Commission found that the TEE's conduct raised minimum fees for architects and engineers, and it imposed a fine of € 60 000.

[Read more](#)

Lithuania: Competition Council imposes Fines on 11 Producers of Orthopedic Products and their Association

Fines were imposed on 20 January 2011 for anticompetitive agreements concerning prices, quantities of production, and the sharing of funds received from the Compulsory Health Insurance Fund between 2006 and 2010.

[Read more](#)

The Netherlands: Competition Authority (NMa) imposes Fines for Cartel Agreements in Flour Industry

On 22 December 2010, 15 flour producers in the Netherlands, Belgium and Germany were imposed fines totalling more than € 80 000 000 for having participated in a cartel lasting from 2001 to 2007.

[Read more](#)

Romania: Competition Council sanctions Romanian Post for Abuse of Dominant Position

On 17 December 2010, the Romanian Post was fined € 26 000 000 for granting discriminatory tariff rebates in respect of several postal services. The investigation was initiated following complaints lodged at the Competition Council.

[Read more](#)

Ireland: Competition Authority wins Beef Industry (BIDS) Case

On 26 January 2011, after a long running saga involving one High Court trial, one Supreme Court judgment, a judgment from the European Court of Justice and the intervention of the European Commission as amicus curiae, the Competition Authority won the BIDS proceedings on the compatibility with EU and Irish competition law of an agreement between competitors to reduce capacity in the Irish beef processing industry.

[Read more](#)

LEGISLATION & POLICY

- **Bulgaria:** Authority adopts Block Exemption for certain Categories of Agreements
- **EFTA:** Authority adopts Guidelines on Vertical Restraints
- **Hungary:** Hungarian Competition Act recently amended
- **Italy:** Opinion of the Authority on Draft Decree on the Postal Services Liberalization
- **The Netherlands:** Businesses factor in NMA's Merger Control and Cartel Enforcement in their Conduct
- **Portugal:** Competition Authority aims at increasing Transparency and Legal Certainty in Antitrust Proceedings
- **United Kingdom:** Public Consultation on the Office of Fair Trading's Annual Plan and Publication of Business Plan
- **European Commission:** Public Consultation on Collective Redress

France: Autorité de la concurrence consults on Draft Guidance on its Method to set Fines for Antitrust Cases

The document is intended to foster transparency by stating the different steps and elements according to which the Autorité sets the fines on a case-by-case basis. The public consultation is opened until 11 March 2011.

[Read more](#)

Germany: Bundeskartellamt and Federal Network Agency publish Joint Guidelines on the Award of Gas and Electricity Concessions and Transfer of Network Use

The publication of those Guidelines on 15 December 2010 offers guidance to energy companies and municipalities in a sector where it is estimated that 20 000 concession contracts awarded across Germany are currently expiring or will expire in the coming years.

[Read more](#)

Romania: Competition Council adopts Guidelines on Commitments Procedure

The guidelines enable undertakings which are parties to an investigation to make voluntary commitments in order to address issues which might constitute violations of Romanian and EU competition law. In this context, the Authority launched a market test on commitments on the joint selling of commercial rights for football broadcasting.

[Read more](#)

Sector Inquiries/Market Studies

- **Czech Republic:** Energy Sector Inquiry about to be launched
- **Finland:** Second Competition Survey published
- **France:**
 - Conclusions of Sector Inquiry into Online Advertising: Autorité identifies Dominant Positions
 - Conclusions of Sector Inquiry into Online Gambling: Autorité makes Recommendations to Public Authorities
- **Germany:**
 - Conclusions of Sector Inquiry into Electricity Generation and Wholesale: no Abuse revealed
 - Sector Inquiry launched into the Food Retail Market
- **Italy:** Sector Inquiry into the Food Retail Market currently ongoing
- **Latvia:** Conclusions of Sector Inquiry into Pricing System in the Medicine Market
- **Portugal:** Study on Motor Fuels sold in Motorways currently ongoing
- **United Kingdom:** Results of Market Study on Outdoor Advertising Industry published

OTHER ISSUES OF INTEREST

EVENTS

- o **Czech Republic:** Meeting of the Heads of the Czech and Slovak Competition Authorities
- o **Slovakia:** Seminar on Competition Protection and Competition Law

Personalialia

- **Lithuania:** New Chairman appointed
- **Malta:** Acting Director General of the Authority appointed
- **Slovenia:** Acting Director appointed at the Authority
- **European Commission:** New Chief Economist appointed

Annual Reports

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

CONTACTS

ECN STATISTICS

Access to Commission Cases

Training of Judges in EU Competition Law

Bulgaria: Competition Authority (CPC) celebrates its 20th Anniversary in 2011

This milestone in the history of competition protection in Bulgaria will be marked by a series of events organised throughout the year. The culmination of the celebrations will be the Jubilee Competition Day to be held in November 2011 on "Current Trends and Priorities of Competition Policy".

[Read more](#)

Finland: Competition Authority's Stakeholders comment on the Agency's Expertise and Trustworthiness

A stakeholder survey on the Finnish Competition Authority (FCA) carried out at the end of 2010 revealed that the agency is generally considered competent, reliable and professional. The study also provides ratings in relation to the performance targets of the FCA. A similar study was conducted twice in the past.

[Read more](#)

Poland: Seminar on Vertical Restraints in Warsaw on 5 April 2011

The seminar will include two discussion panels: "Analysis of the effects on the market of vertical restraints" followed by "Vertical restraints – A practitioner's experience".

[Read more](#)

[ECN members' websites](#)

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

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

[Case search](#)

- [List of beneficiaries 2009](#)
- [Call for Proposals 2011](#)