



# ECN Brief

ECN Brief 02/2013

Welcome to the May 2013  
issue of the  
ECN Brief

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## Dear Reader,

This is the eighteenth issue of the ECN Brief which is a publication of the European Competition Network (ECN). The ECN is a network of the Member States' competition authorities (NCAs) and the European Commission (DG Competition). The ECN Brief aims to inform you about the activities of the ECN and its members and to reflect the richness of enforcement actions and advocacy in the Network. It focuses on news of major interest about EU competition law and policy.

The present edition covers the period from February to May 2013. Among other news, it reflects that the structure of the NCAs keeps evolving: a new Competition Authority has been set up in Belgium and the Netherlands Authority for Consumers and Markets started operating on 1 April. As reported in previous issues, the Slovenian Competition Protection Agency and the Finnish Competition and Consumer Authority commenced operations on 1 January.

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

#### DISCLAIMER:

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

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# ENFORCEMENT & CASES

## AUTHORITIES

- o **Belgium:** Fines imposed on five large Flour Mills
- o **Germany:**
  - Multi-million fines imposed on Manufacturers of Drugstore Products
  - Proceedings against Consumer Goods Manufacturers concluded
- o **Ireland:** Commitments in Case of RPM in Footwear Products
- o **Latvia:** Collective Copyright Management Association fined for Excessive Pricing
- o **Poland:**
  - Proceedings opened against Mobile Telephony Operators for alleged Abuse of Collective Dominant Position
  - Proceedings opened against Gas Supplier PGNIG
- o **Spain:**
  - Fines imposed in Paper Products Cartel Case
  - Fines imposed on Cartel in Flexible Polyurethane Foam Sector
- o **European Commission:** Microsoft fined for non-Compliance with Browser Choice Commitments

## COURTS

- o **Austria:**
  - Cartel Court imposes Fines on Dairy Company
  - Fines imposed in Building Insulation Case
  - Fine imposed in Consumer Electronics Products Case
- o **Germany:** Constitutionality of Central Fining Provision of German Competition Law confirmed
- o **Malta:** Competition and Consumers Appeal Tribunal rules on Access to File by Complainant

### France: Autorité de la concurrence fines Pig Slaughterers and Professional Bodies for Anti-competitive Agreements

On 13 February 2013, the Autorité de la concurrence issued a decision whereby it imposed fines for a total amount of € 4 570 000 for four anti-competitive agreements implemented in the pig slaughtering and pork marketing sector. The practices sanctioned are namely agreements on the quantity of pork bought from pig farmers to influence the price of the Brittany pork auction market as well as horizontal agreements on the setting of retail prices.

[Read more](#)

### Spain: Competition Authority imposes Fines in Paper Envelopes Cartel Case

On 25 March 2013, the Comisión Nacional de la Competencia Council found that several companies active in the manufacture, distribution and marketing of paper envelopes had taken part in a cartel to share out the Spanish paper envelopes market amongst themselves between 1977 and 2010.

[Read more](#)

### Germany: Higher Regional Court increases Fines against Liquefied Petroleum Gas Cartel

On 16 April 2013, the Düsseldorf Higher Regional Court has imposed fines of € 244 000 000 on five members of the liquefied petroleum gas (LPG) cartel or their successors. In doing so, the Court raised the total amount of fines to a level higher than that imposed by the BKartA: in 2007, the BKartA had issued orders imposing fines totalling approximately € 180 000 000 on the companies concerned.

[Read more](#)

### Sweden: Market Court upholds City Court's Decision finding Abuse in Telia Sonera Case

On 12 April 2013, the Market Court ordered the Swedish telecom operator Telia Sonera to pay an administrative fine amounting to approximately € 4 000 000 for having abused its dominant position in the broadband market, ADSL, through a margin squeeze. In doing so, the Market Court upholds the decision of the Stockholm City Court finding the abuse but reduces the fine.

[Read more](#)

# LEGISLATION & POLICY

- **Austria:** Revised Manual on Leniency published
- **Denmark:** Report on Competition in Retail Banking Sector
- **Finland:** Legislative Proposal on Competition Neutrality between Public-Sector and Private-Sector Companies
- **France:**
  - Autorité sets out Conditions for Network sharing in Mobile Telephony Sector and considers Impact on Competition of national Roaming Arrangements between Mobile Network Operators
  - Sector inquiries launched into Distribution of Medicinal Products and interregional Coach Transport
- **Lithuania:** Competition Council announces Consumer Benefits of 2010-2012 Activities
- **The Netherlands:** Outcome of NMA's Action in 2012 is € 251 000 000
- **The Nordic Competition Authorities:** Joint Report on 'A Vision for Competition - Competition Policy towards 2020'
- **Romania:** Launch of Inquiries into Pharmaceutical and Electronic Communication Services Sectors
- **Sweden:** Proposals of Swedish Government's Inquiry on Enhanced Effectiveness of Competition Law Enforcement

## **Belgium: New Belgian Competition Authority and new Competition Act**

The new Belgian Competition Act was adopted on 3 April 2013. It establishes an independent Competition Authority with a simplified structure and introduces significant procedural changes in competition proceedings such as new interim measures and settlement procedures and administrative fines for natural persons involved in hardcore cartel infringements.

[Read more](#)

## **The Netherlands:**

### • **Netherlands Authority for Consumers and Markets starts operating**

On 1 April 2013, the Netherlands Consumer Authority, the Netherlands Competition Authority and the Netherlands Independent Post and Telecommunications Authority have merged into the Netherlands Authority for Consumers and Markets (ACM), bringing together general competition oversight, industry-specific regulation (energy, telecommunication, transport and postal services) and consumer protection.

[Read more](#)

### • **Netherlands Authority for Consumers and Markets launches Consultation on its Strategy**

On 11 April 2013, the Netherlands Authority for Consumers and Markets (ACM) launched a consultation on its proposed Strategy. Stakeholders are welcome to comment until 1st June.

[Read more](#)

## **Portugal:**

### • **Competition Authority adopts Guidelines on Handling of Antitrust Proceedings**

In March 2013, the Portuguese Competition Authority published its first ever Guidelines on the handling of antitrust proceedings: they are applicable to procedures under national and EU competition rules.

[Read more](#)

### • **Competition Authority adopts Guidelines on Fines**

Following the entry into force in July 2012 of the new Portuguese Competition Act, the Competition Authority has adopted Guidelines on the setting of fines in antitrust cases.

[Read more](#)

# OTHER ISSUES OF INTEREST

## EVENTS

- **Austria:** Report on Conference on Prevention Policy in Competition Law - How Knowledge can avoid Fines
- **Germany:** Report on 16th International Conference on Competition
- **Poland:** Report on 12th ICN Annual Conference
- **Romania:** ECA Meeting and Conference presenting Authority's Annual Report
- **European Commission:** Report on Competition Forum

### **Hungary: New Units to increase Effectiveness of Cartel Investigations at Competition Authority**

In view of investigating the most serious cartel cases in a more efficient manner, the Competition Authority has set up a Cartel Detection Section as well a Cartel Investigation Team. The new units started operating on 15 April 2013.

[Read more](#)

### **Ireland: European Competition & Consumers Day**

In the context of the Irish Presidency of the European Union, the Irish Competition Authority and the National Consumer Agency will host this year's European Competition and Consumer Day in Dublin on 24 May 2013. The Conference is entitled 'Competition Policy and Consumer Protection: Challenges and Choices'.

[Read more](#)

### **Personalia**

- **Finland:** Management appointed at Finnish Competition and Consumer Authority
- **United Kingdom:** Office of Fair Trading appoints Chief Economist and announces new Senior Appointments

### **Annual Reports**

- **Poland:** Annual Report on UOKiK's Activity 2012 published

[Annual Reports of all ECN Members](#)

## CONTACTS

[ECN members' websites](#)

## ECN STATISTICS

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

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

## Access to Commission Cases

[Case search](#)