



ECN Brief

ECN Brief 03/2012

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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,

This is the thirteenth 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, which covers news from April to July 2012, reports about a large variety of enforcement actions undertaken by the EU competition authorities. Areas such as banking, the sale of package tours, gas distribution, rail as well as agricultural products, including pepper and onion growers and raw coffee beans, have been scrutinised during the reporting period, resulting in enforcement decisions. Sector inquiries and market studies are presented in relation to multiple sectors such as fuel, groceries, the automotive aftermarket, financial products, professional services including dentistry and the private motor insurance market.

More news about the activities of the ECN and its members will be published mid-October 2012. In the meantime, we wish you interesting reading and a good summer!

DISCLAIMER:

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ENFORCEMENT & CASES

AUTHORITIES

- **Belgium:** Interim Measures in Warehouse Coffee Case in Port of Antwerp
- **Denmark:** Viasat infringes Conditions imposed by Authority in Distribution of TV Channels Case
- **Germany:** Bundeskartellamt imposes first Fines in Rail Case
- **Hungary:** Fines imposed on Cartel in Rail Freight Transport Market
- **Italy:** Market test of Commitments in alleged Abuse in Gas Transportation Case
- **The Netherlands:**
 - Bell Pepper Growers Cooperatives and Sales Organizations fined
 - Silverskin Onions Cartel fined
- **Spain:**
 - Copyright and Collecting Societies AGEDI and AIE fined
 - Two Iron Wholesalers' Associations fined
- **Sweden:** Authority closes Investigation of alleged Abuse by Posten

COURTS

- **Finland:** Supreme Administrative Court upholds Market Court's Decision in Automobile Spare Parts Cartel Case
- **Lithuania:** Supreme Court upholds Authority's Decision in Orthopaedic Products Case

France: Banks' Commitments to suppress inter-bank Fees applied to direct Debits, interbank Orders and other non-cash Payments made binding by Autorité de la concurrence

On 5 July 2012, the Autorité accepted commitments from 11 banks and their two representative bodies whereby they undertake to abolish the main interbank fees applicable to the use of non-cash means of payment other than payment cards and cheques from 1 September 2013 onwards. During an interim period lasting from 1 September 2012 until the aforementioned date the said fees will decrease by 50%.

[Read more](#)

Lithuania: Competition Council imposes Fine of more than € 1 500 000 for Anti-Competitive Practices relating to Online Sale of Package Tours

Thirty four operators/travel agents were found to have coordinated their actions online by fixing a maximum discount level (up to 3% of the tour price) for package tours distributed via internet through the searching and booking system E-TURAS. The practices, infringing Article 5 of the national Law on Competition and Article 101 TFEU, covered the whole territory of Lithuania.

[Read more](#)

European Courts: Judgment in MasterCard Case upholds Commission's Decision

In its judgment of 24 May 2012, the Court fully upheld the Commission's decision prohibiting MasterCard's multilateral interchange fees that apply to cross-border transactions with consumer cards. It is the first judgment of the EU Court on the issue of MIFs and it supports more than 20 years' work by the Commission and national competition authorities.

[Read more](#)

ESA: EFTA Court upholds ESA Decision on Abuse of Dominance by Norway Post

The Court held that the proceedings, which had led to the imposition of a substantial fine, as a matter of principle, have to respect the guarantees for criminal proceedings enshrined in Article 6 ECHR. In particular, the right to a fair trial requires that the Court is entitled to quash in all respects, on questions of fact and law, the decision being challenged, and it is not limited to intervening in respect of complex economic assessments by the Authority only if it considers them to be manifestly wrong.

[Read more](#)

LEGISLATION & POLICY

- **Germany:** New anonymous Whistleblowing System
- **Italy:** New Competition Law and Consumer Protection Powers for Authority
- **Romania:** Competition Council publishes Statistics on Fines imposed
- **United Kingdom:** OFT publishes Report on Markets in Remote Communities across the UK

Sector Inquiries/ Market Studies

- **Austria:** Launch of Market Inquiry into Liquid Fuels Market
- **Denmark:** Discount Culture in Danish Grocery Market
- **France:** Provisional Findings in Automotive Aftermarkets Sector Inquiry published
- **The Netherlands:** Launch of Study on switching Barriers for financial Products
- **Spain:** Report on Professional Services published
- **United Kingdom:** OFT calls for greater Patient Choice and Competition in Dentistry Market

Annual Reports

- **Romania:** Annual Report 2011 published
- **United Kingdom:** Annual Report 2011 - 2012 published

Link to the Annual Reports of all ECN Members

Finland: Competition Authority and Consumer Agency to merge

The Ministry of Employment and the Economy has proposed to merge the Finnish Competition Authority and the Consumer Agency into one joint agency which will begin operations on 1 January 2013.

[Read more](#)

Ireland: Reform of Competition Law adopted

The Competition (Amendment) Act, 2012 which contains a number of provisions aimed at strengthening the enforcement powers of the Competition Authority was signed into law on 20 June 2012. The new Act commenced on 3 July 2012.

[Read more](#)

Italy: Authority proposes Draft Notice on new Commitments Procedure

The Italian competition authority has held a public consultation on a draft Notice on the new commitments procedure. Once adopted, it will replace the existing 2006 Resolution. The new procedure sets a peremptory term of three months, running from the date of the notification initiating the procedure to present the final version of the commitments as well as a framework for the market test.

[Read more](#)

United Kingdom: OFT provisionally decides to refer Private Motor Insurance Market to Competition Commission

On the basis of the evidence collected, the OFT has reasonable grounds to suspect that there are features of the private motor insurance market that prevent, restrict or distort competition: the market would work better if insurers competed primarily on the quality and value of the service each provides to insured drivers, rather than focusing on gaining a competitive edge through raising rival insurers' costs and increasing their own revenues.

[Read more](#)

OTHER ISSUES OF INTEREST

EVENTS

- **Bulgaria:** Seminars for Business Community and Public Authorities
- **Portugal:** Authority hosts Delegation from China Anti-monopoly Bureau
- **Romania:**
 - Seminar on regional Cooperation in Telecommunications Sector from the Competition Perspective
 - Seminar on Fighting Cartels in Public Procurement Processes
- **Slovakia:** Fifth Annual FTC - Eastern European Workshop on investigating Methods and Techniques
- **Spain:** Roundtable on Liberalization and Competition in Airline and Airport Sectors

Cyprus: European Competition Day in Nicosia on 2 October 2012

The programme will focus on three issues: 'Actions for damages: recent developments in the Member States and the forthcoming European Commission proposal' 'Effective Competition in Food Sector and Retail Markets' and "Enforcement of Competition Rules in Member States: Opportunities and Challenges for national competition authorities".

[Read more](#)

Poland: II International Competition Forum in Warsaw on 27 September 2012

The discussions will evolve around three topics: 'Finding the right balance between effective cartel detection and fair legal procedure', 'Competition law in the process of reform: new trends in sanctions policy', and "Review process – effective case presentation in courtroom".

[Read more](#)

Personalia

- **Latvia:** New Chair at Competition Council
- **United Kingdom:** New CEO at OFT

CONTACTS

ECN STATISTICS

Access to Commission Cases

[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](#)