



# ECN Brief

ECN Brief 03/2013

Welcome to the July 2013  
issue of the  
ECN Brief

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## Dear Reader,

This is the 19th 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. This issue covers news from April to July 2013.

The ECN welcomes the Croatian Competition Agency (CCA), the 'Agencija za zaštitu tržišnog natjecanja' (AZTN), which became a member on 1 July 2013. With the accession of Croatia to the EU, the CCA is competent to apply the EU competition rules. Along with the other ECN members, the CCA will now take full part in the efforts of the ECN to ensure consistent and effective competition enforcement throughout the EU. In this issue, the CCA introduces itself and its achievements; we will continue informing you about its activities in the future.

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

#### DISCLAIMER:

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# ENFORCEMENT & CASES

## AUTHORITIES

- **Belgium:**  
No Interim measures in case regarding Cooperation between Prisons and Sheltered Workshops
- **France:**
  - Autorité market tests Visa and MasterCard's Commitments to reduce MIFs for Domestic Card Transactions
  - Sanofi fined for denigrating Generics of Plavix
- **Greece:**  
Gas Transmission Operator fined for Abuse in Primary Market of Natural Gas Transmission
- **Italy:**  
Authority finds Antitrust Infringement in National Market for Legal Services
- **Spain:**  
Correos fined for Abuse of Dominant Position in Postal Sector
- **United Kingdom:**  
Statement of Objections issued in Case involving Pharmaceutical Companies
- **European Commission:**  
Lundbeck and other Pharmaceutical Companies fined for delaying Market Entry of Generic through pay-for-delay Agreements

## COURTS

- **Austria:**  
Cartel Court imposes Fine in Food Retail Case
- **Slovakia:**  
Supreme Court upholds Decision of Authority on Prohibition of Abuse in 'Green Dot' Licencing Case

### Denmark: Authority finds Refusal to supply and Restriction to Parallel Trade in Railway Spare Parts Case

On 12 June 2013, Deutz AG and Diesel Motor Nordic were found to have infringed the Danish and European competition rules. According to the investigation, Deutz prevented the supply of train spare parts outside of its exclusive dealership network and prevented parallel imports of spare parts in an agreement with its distributor in Denmark Diesel Motor Nordic.

[Read more](#)

### France: Autorité de la concurrence fines Cartel among major Distributors of Commodity Chemicals operating in France

On 29 May 2013, the Autorité de la concurrence imposed a total of € 79 000 000 in fines on a cartel between Brenntag, Caldic Est, Univar and Solvadis. Between 1998 and mid-2005, representatives of the companies allocated customers, entered into a non-aggression pact and agreed jointly on the prices offered to their customers.

[Read more](#)

### Italy: ICA fines Telecom Italia for Unilateral Practices in Wholesale Broadband Markets

On 9 May 2013, the Italian Competition Authority fined Telecom Italia - the incumbent in telecommunications markets in Italy - € 103 794 000 for its abusive conduct on the wholesale markets for network infrastructure access and broadband access. Telecom Italia was found to have refused to give access to its network to competitors and to have charged, in contracts with medium and large business customers, discounted prices not replicable by an equally efficient competitor.

[Read more](#)

### Slovakia: Supreme Court upholds Authority's Decision in Banking Cartel Case

On 21 and 22 May 2013, the Supreme Court of the Slovak Republic upheld a decision of the Antimonopoly Office in a case concerning a banking cartel. This followed the confirmation by the ECJ in a preliminary ruling, that it does not make any difference for the application of Article 101(1) and Article 101(3) TFEU whether a competitor adversely affected by a cartel agreement held the appropriate licence required for business activity under national law, at the time when the cartel agreement was concluded.

[Read more](#)

# LEGISLATION & POLICY

- **Austria:**  
Public Consultation on Draft Guidelines regarding Vertical Price Fixing
- **Bulgaria:**
  - Legal Framework on Central Heating distorts Competition
  - National Health Insurance Fund Acts impose Quota Limitations on Pharmacies and foreclose Market for Medical Products
- **France:**  
Autorité de la concurrence issues Negative Opinion on Proposal of 'good practices' for Online Delivery of Medicinal Products
- **Lithuania:**  
Memo on Associations' Activities: How to respect Competition Rules
- **The Netherlands:**
  - Results of Study on Brewery Contracts
  - Report on Relationship between Behavioural Economics and Competition Enforcement
- **Romania:**  
Report on Inquiry into Interchange Fees in Payment Cards Sector
- **Spain:**
  - Report on Rail Transportation of Goods
  - Communication on Leniency Programme published
- **Sweden:**  
Interactive Guide for Small Companies wanting to participate in Public Procurements
- **United Kingdom:**
  - OFT announces Market Study on SME Banking
  - OFT refers Payday Lending Market to Competition Commission

## **Germany: Bundeskartellamt publishes new Fining Guidelines**

On 25 June 2013, the Bundeskartellamt (BkartA) released revised fining guidelines following a judgment of the German Federal Court of April 2013. These new guidelines introduce a new methodology that will allow the BkartA to set the fines in accordance with this judgment. The new fining guidelines will be applicable from 25 June to all cases pending before the BkartA.

[Read more](#)

## **Malta: Draft Leniency Regulations published for Public Consultation**

The Office for Competition has published on 14 June 2013 the draft leniency regulations for public consultation. The draft regulations take into account the revised MLP adopted in 2012 as well as the Commission's 2006 Leniency Notice. The public consultation will be closed on 9 August 2013.

[Read more](#)

## **Spain: Creation of the new National Markets and Competition Commission, the CNMC**

On 4 June 2013, the Spanish Parliament adopted Act 3/2013 creating a new authority in charge of both competition and regulatory matters: the Comisión Nacional de los Mercados y la Competencia, (CNMC). The new authority merges the current competition authority, the CNC, with several sectoral regulators responsible for Telecom, Energy, Railway, Postal, Audiovisual and Airports.

[Read more](#)

## **European Commission Proposal on Antitrust Damages Actions adopted**

On 11 June 2013, the Commission adopted a proposal for a Directive on antitrust damages actions. Its objective is to ensure the effective exercise of the EU right to compensation for harm suffered as a result of a competition law infringement. As part of this effort, a Communication on quantification of antitrust harm has also been adopted. In parallel, the Commission adopted a Recommendation encouraging Member States to set up collective redress mechanisms in order to improve access to justice for victims of violations of EU law in general, including competition rules.

[Read more](#)

# OTHER ISSUES OF INTEREST

## EVENTS

- **Bulgaria:**  
Report on Second Workshop of Sofia Competition Forum
- **Estonia:**  
Report on 10th Regional Competition Conference
- **Ireland:**  
Report on European Competition & Consumer Day
- **Slovakia:**  
Report on International Conference: Current Trends in Competition Law
- **European Commission:**  
Cooperation Agreement signed with Switzerland

## Croatia becomes 28th EU Member State and Croatian Competition Authority joins ECN

On 1 July 2013, Croatia adhered to the European Union. The Croatian Competition Agency (CCA) has joined the ECN as its newest member. The CCA which celebrated its 15th anniversary in 2012 has already been participating in the work of the ECN since the closure of the negotiations on the Chapter on Competition of the Accession Treaty in 2011. Being a member will bring new challenges along with the benefits of cooperating actively with the European Commission and NCAs within the ECN.

[Read more](#)

## Personalia

- **Cyprus:** New CPC Members appointed and Chairperson re-appointed
- **Hungary:** Appointment of New Council Member
- **United Kingdom:** OFT appoints four new Directors and one Senior Director

## Annual Reports

- **Germany:** Activity Report 2011/2012 published
- **Italy:** Activity Report 2011/2012 published
- **Latvia:** Annual Report 2012 published
- **European Commission:** Annual Report 2012 published

[\*\*Link to the 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