



Competition in Practice

Case 38.112 Prokent/Tomra - Reverse Vending Machines (RVMs)

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REVERSE VENDING MACHINES

Reverse Vending Machines (RVMs) are installed in shops and supermarkets to facilitate the collection of empty drink containers, such as glass, plastic bottles or cans. These machines allow customers to return empty containers and recouping their deposit in an automated way.

In March 2006, the European Commission imposed a fine of € 24 million on Norwegian group Tomra for violating EC Treaty competition rules. The company had abused its dominant position in the market for the RVMs in Austria, Germany, the Netherlands, Norway and Sweden.

The Commission's investigation was triggered by a complaint from a German supplier of these machines, asking the Commission to investigate whether Tomra was abusing its dominant position, in particular through agreements concluded with several large retail companies thus preventing the German company's access to the market.

Following this complaint, Commission officials assisted by national authorities carried out inspections at the premises of Tomra group. The inspections provided evidence that Tomra abused its dominant position by implementing a strategy to close off the market to actual and potential competitors.

For 5 years, Tomra's practices consisted of a system of agreements which granted the company the status of exclusive supplier of the machines, and imposed on its customers commitments to buy a certain minimum quantity. The European Commission concluded that these practices restricted or at least delayed the entry of other manufacturers in the market. The Commission considered the infringement to be a serious one: practices, such as those implemented by Tomra, had previously condemned by the Commission and by the Community courts. In fixing the fine, the Commission took into account the gravity of the infringement and its duration.

More information:

- Read the [press release](#)¹ of the case:
- See [further information](#) about this case.
- [Article](#) in the Competition Policy Newsletter²

¹ Commission imposes € 24 million fine on Tomra group for abuse of dominant position IP/06/398, 29/03/2006)

² "Prokent/Tomra, a textbook case? Abuse of dominance under perfect information" F. Maier-Rigaud and D. Vaigauskaite, Competition Policy Newsletter number 2, summer 2006, p. 19

