

On 1 December 2011, the Commission decided to initiate antitrust proceedings in case COMP/C-2/39.847 Ebooks within the meaning of Article 11(6) of Council Regulation No 1/2003 and Article 2(1) of Commission Regulation No 773/2004.

The proceedings were opened with a view to adopting a decision in application of Chapter III of Council Regulation No 1/2003 and concern whether international publishers Hachette Livre (Lagardère Publishing, France), Harper Collins (News Corp., USA), Simon & Schuster (CBS Corp., USA), Penguin (Pearson Group, United Kingdom) and Verlagsgruppe Georg von Holzbrinck (owner of inter alia Macmillan, Germany), possibly with the help of Apple, have engaged in illegal agreements or practices that would have the object or effect of restricting competition in the EU or in the EEA. The Commission is also examining the character and terms of the agency agreements entered into by the above named five publishers and retailers for the sale of e-books. The Commission has concerns, that these practices may breach EU antitrust rules that prohibit cartels and restrictive business practices within the meaning of Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement.

The initiation of proceedings does not signify that the Commission has made a definitive finding of an infringement, but merely signifies that the Commission will deal with the case as a matter of priority.