



ECN Brief 05/2013

# ECN Brief

Welcome to the December 2013  
issue of the  
ECN Brief

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## Dear Reader,

This is the 21th 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 September to December 2013. A key policy development is the publication of seven ECN Recommendations on investigative and decision-making powers. The Recommendations set out the ECN's position on the powers authorities in the Network should have in their competition toolbox. They are intended to serve as guidance to policy makers and to foster convergence.

On the enforcement side, the investigations brought by the German Bundeskartellamt and the UK Office of Fair Trading into Amazon's price parity policy provide a good example of cooperation between ECN competition authorities. Both Authorities terminated their respective investigations after Amazon changed its practices.

The next issue of the ECN Brief will be published in February 2014. In the meantime, we wish you interesting reading and Happy Holidays!

#### DISCLAIMER:

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# ENFORCEMENT & CASES

## AUTHORITIES

- **Bulgaria:**  
Commission on Protection of Competition investigates Heating Cost Allocation Companies
- **France:**  
Autorité de la concurrence succeeds in significantly reducing MIFs charged by Mastercard and Visa on Domestic Card Transactions
- **Greece:**  
Hellenic Competition Commission issues Commitments Decision on Foreign Language School Owners' Association
- **Germany:**  
Bundeskartellamt concludes Cartel Proceedings against Manufacturers of Household Porcelain
- **Slovenia:**  
Agreement/Concerted Practice in Pharmaceutical Sector
- **Spain:**
  - Container Carrier Associations in Port of Valencia fined
  - Container Transport Companies and Professional Association fined
  - Fines on Mediapro and four Football Clubs
- **European Commission:**  
Fines of € 16 000 000 imposed for delaying Market Entry of generic Pain-Killer Fentanyl

## COURTS

- **Austria:**  
Cartel Court imposes Fines for Resale Price Maintenance in Food Sector
- **Poland:**  
Polish Court confirms Authority's Decision on Interchange Fees

## Germany and United Kingdom: Antitrust Cases against Amazon closed

On 26 and 29 November 2013, the German Bundeskartellamt (BKartA) and the UK's Office of Fair Trading (OFT) terminated their respective antitrust investigations into Amazon's price parity policy. These clauses had prohibited sellers from selling products that they offer more cheaply on Amazon on any other online sales channel. Throughout the investigations, the BKartA and the OFT cooperated closely together, within the Network of European Competition authorities. The authorities' investigations have helped to bring about the end of Amazon's price parity clauses on an EU-wide basis.

[Read more](#)

## Luxembourg: Fines imposed in Railway Switches Cartel Case

The Luxembourgish Competition Council has fined two German producers of railway switches by decision of 23 October 2013 for participating in a market sharing and price fixing cartel with a Luxembourgish undertaking and its subsidiary during the period 2005 to 2011. The decision of the Council is the first decision applying the leniency programme as laid out in Article 21 of the Luxembourgish Competition Law of 23 October 2011.

[Read more](#)

## European Commission fines Banks € 1 710 000 000 for Participation in Cartels in Financial Derivatives Industry

A total of eight banks were fined for participation in two cartels, one relating to interest rate derivatives in the euro currency, the other one relating to interest rate derivatives denominated in Japanese yen. Both decisions were adopted under the settlement procedure, and fines were reduced by 10% for agreeing to settle.

[Read more](#)

# LEGISLATION & POLICY

- **Bulgaria:**  
Commission on Protection of Competition proposes Measures to enhance Competition in the Hospital Services Market
- **Czech Republic:**  
New Soft Law introduced
- **Denmark:**  
Deliveries of small Parcels are expensive for Danish Consumers
- **France:**  
Autorité issues several Recommendations to amend Bill on Railway Sector in France
- **Greece:**  
Hellenic Competition Commission issues Opinion on Production, Testing, Certification and Marketing of Cement
- **Ireland:**  
Competition Authority issues Recommendations to improve Competition in Irish Ports
- **Poland:**  
UOKiK launches another Edition of its educational Campaign directed at Students
- **Slovakia:**  
Antimonopoly Office publishes Guidelines on Calculation of Turnover
- **United Kingdom:**  
OFT launches Call for Information on Undergraduate Higher Education in England
- **Norway:**  
Competition Authority completes Review of Car Warranty Conditions

## **Italy: Competition Authority launches Initiative to fight Bid-Rigging**

In October 2013, the Italian Competition Authority (ICA) issued a 'Vademecum' based on the 2009 OECD Guidelines for fighting bid-rigging in public procurement. This Vademecum is part of the recently launched initiative to assist contracting entities/authorities in identifying behavioural anomalies which might indicate bid-rigging, and report them to the ICA.

[Read more](#)

## **Sweden: Screening for Cartels in Public Procurement Auctions**

In September 2013, the Swedish Competition Authority (SCA) initiated a project aimed at detecting cartels in public procurement tenders through the use of proactive economic detection methods when conventional investigation methods fail. The SCA will analyze a large database consisting of information from public tenders. The analysis will focus on markets where the SCA has seen competition problems in the past, but where it has so far not received leniency applications or tip-offs detailed enough to initiate investigations.

[Read more](#)

## **United Kingdom: Office of Fair Trading launches Market Study into Supply of Public Sector ICT Services**

On 15 October 2013, the Office of Fair Trading launched a study on the degree of competition between the companies which supply information and communications technology (ICT) goods and services to the public sector. This sector is vital for the efficient and cost effective delivery of all public services and accounts for a significant proportion of total public sector expenditure.

[Read more](#)

## **ECN publishes Set of Recommendations**

On 10 December 2013, the European Competition Network (ECN) published a set of ECN Recommendations on key investigative and decision-making powers for competition authorities in the Network, ranging from inspection powers, requests for information, priority setting and interim measures to commitments and structural remedies. The ECN Recommendations were endorsed by the ECN Directors General in 2013. These Recommendations are intended to serve as guidance for policymakers.

[Read more](#)

# OTHER ISSUES OF INTEREST

## EVENTS

- **Bulgaria:**  
Third Workshop of the Sofia Competition Forum
- **Czech Republic:**  
7th St. Martin Conference on Competition Law and Policy News
- **Poland:**  
Conference on suggested Amendments to Polish Competition Law
- **European Commission:**  
Memorandum of Understanding with India

## European Commission holds Third European Competition Forum on 11 February 2014

Following the successful meetings of the European Competition Forum in 2012 and 2013, the 2014 conference will look at the internal market and beyond, examining the challenges facing modern competition policy. The Forum is hosted by the Commissioner for competition, Vice-President Joaquín Almunia. Distinguished participants include Dr Vince Cable, UK Secretary of State for Business, Mr Ángel Gurría, Secretary-General of the OECD, Bill Baer, Assistant Attorney General for the Antitrust Division at the US Department of Justice as well as the Heads of the European Competition Authorities.

The conference will be web-streamed.

[Read more](#)

### Publications

- **[Comic Book on Action against Cartels](#)**
- **[Link to the Annual Reports of all ECN Members](#)**

### Personalia

- **Croatia:** New President of the Competition Council appointed
- **Greece:** New Board Members appointed at Hellenic Competition Commission
- **Hungary:** New Member appointed to the Decision-Making Body of the GVH

## CONTACTS

### ECN STATISTICS

### Access to Commission Cases

### TRAINING OF JUDGES

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

Results of the Call for Proposals

Upcoming events, actions and training for judges