



# ECN Brief

ECN Brief 02/2011

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of the ECN Brief

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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](mailto:comp-ecn-brief@ec.europa.eu)

## Dear Reader,

This is the seventh 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, which covers the period from February to May 2011, informs about a wide range of news including several cases directly related to consumer products as well as new developments in inquiries carried out by the NCAs into manifold sectors of the economy. Changes in competition legislative frameworks and consultations on policy initiatives are also reported for several Member States showing that, next to the active enforcement activities of their competition authorities, Member States are engaged in making competition enforcement more effective.

The next issue of the ECN Brief will be published mid-July 2011. In the meantime, we wish you interesting reading.

#### DISCLAIMER:

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# ENFORCEMENT & CASES

## AUTHORITIES

- **France:** Authority market-tests Commitments in MIF Case
- **Germany:**
  - Multi-million Fines on Manufacturers of Consumer Goods
  - Formation of Joint Venture for the Creation of an On-line Video Platform prohibited
- **Italy:** Commitments accepted in Waste Paper Consortium Case
- **Spain:** Intellectual Property Rights' Collecting Society (AIE) fined
- **United Kingdom:** OFT issues Statement of Objections alleging Abuse of Dominance by Bunker Fuel Firm
- **European Commission:** Settlement Decision adopted in Washing Powder Cartel

## COURTS

- **Denmark:** Supreme Court finds Abuse of Dominant Position by TV2 Denmark on TV Advert Market
- **Lithuania:** Decision on Abuse of Dominance in Fuel Sector upheld
- **Sweden:** Authority welcomes ECJ Judgment on Competition in Telecom Sector
- **European Courts:** ECJ clarifies Powers of National Competition Authorities enforcing EU Competition Rules

### **Germany: Bundeskartellamt imposes Fines against Manufacturers of Fire-Fighting Vehicles**

On 10 February 2011, fines totalling € 20 500 000 were imposed on three manufacturers of fire-fighting vehicles and an accountant for having participated in a cartel from 2001 to 2009. The cartel members agreed on shares of sales as well as on price increases. Proceedings against a fourth undertaking are still ongoing.

[Read more](#)

### **Greece: Fines imposed on Fish Farming Sector**

On 24 February 2011, the Hellenic Competition Commission fined companies active in the fish farming sector for a total of € 677.885 for violation of Articles 101 TFEU and 1 of the Hellenic Competition Act. The decision underlines that the existence of an economic crisis cannot justify restrictions of competition and that undertakings should independently react to such events and employ measures that do not restrict competition.

[Read more](#)

### **Spain: CNC sanctions Mediapro for Abuse of Dominant Position**

On 17 March 2011, the CNC imposed a fine of € 500 000 on Mediapro and its subsidiary Gol TV for having hindered competition in the market for resale of the audiovisual rights of the Spanish regular football league and King's Cup football competitions, and in downstream television markets, particularly pay-TV, thereby infringing Article 2 of the Spanish Competition Act and Article 102 TFEU.

[Read more](#)

### **The Netherlands: Highest Antitrust Court upholds Authority Decision in Shrimp Cartel Case**

Following a judgment of 17 April 2011, Dutch traders and Dutch, German and Danish producers' organizations representing shrimp fishers have to pay fines totalling more than € 4 400 000, for infringing European and national competition provisions prohibiting cartels between 1998 and 2000. This is the outcome of a long-standing legal dispute that followed a decision adopted by the Dutch competition authority (NMa) in 2003 in which the NMa fined non-Dutch parties for the first time.

[Read more](#)

# LEGISLATION & POLICY

- **Bulgaria:** CPC proposes Amendments to Regulation on Medicines Wholesale Trade
- **France:** Autorité takes stock of the EU NGA Recommendation in its first Opinion on Telecom Sector
- **Hungary:** Renewed Consumer Inquiries Service at the GVH
- **Italy:** Authority issues Opinion on Public Procurement Discipline for Biopharmaceutical Products
- **The Netherlands:** 2011 Textbook Scan on the Dutch Market
- **Spain:** Report on the Draft Royal Decree on Recognition of Organisations and establishing Contractual Conditions in the Milk Sector
- **United Kingdom:**
  - New Guidance on Competition Act Procedures published
  - Procedural Adjudicator trialled
- **EU Competition Authorities:** Public Consultation on Merger Best Practices for Cooperation among EU National Competition Authorities

## Sector Inquiries/Market Studies

- **Bulgaria:** Sector Inquiries launched in the Fuel and the Food Sectors
- **Finland:** District Heating Sector investigated
- **Hungary:** Public Consultation on Report on Building Society Market Inquiry
- **Italy:** Sector Inquiry launched in the Motor Fuel Sector
- **Romania:** Report on Sector Inquiry regarding Milk Marketing
- **Sweden:** Final Reports on Food and Market

## Bulgaria: Competition Authority adopts new Leniency Programme

The new Leniency Programme which has entered into force on 11 March 2011, offers undertakings the possibility to receive an even greater reduction of fines if they reveal their involvement in additional cartels that are not known to, nor investigated by the CPC at the time of the leniency application.

[Read more](#)

## Finland: New Competition Act approved by Parliament

The Finnish Parliament approved the new Finnish Competition Act in March 2011 and it will enter into force in Autumn 2011. One of the major changes relates to the current dominance test in merger enforcement. In the future, the assessment of mergers will be based on the SIEC-test. The new law also clarifies the rights of defence in antitrust cases and makes prioritisation rules more transparent.

[Read more](#)

## Greece: New Competition Act enters into force

The new law which was adopted on 15 April and entered into force on 20 April 2011, aims at increasing the effectiveness of the Hellenic Competition Commission, while further promoting harmonisation with EU competition law and practice. It namely abolishes notification requirements and/or formalities which entail a horizontal administrative burden for both companies and the Authority and allows the Authority to better set its priorities.

[Read more](#)

## Lithuania: Amendment to Competition Law introduces Restriction of Professional Activities for Head of Undertaking infringing Antitrust Rules

According to the new provisions, the heads of the undertakings which have infringed the antitrust rules will be restricted in their rights to hold office as head of a public and/or private company, to be a member of a collegial supervisory and/or management body. Fines may also be imposed.

[Read more](#)

## United Kingdom: Consultation on new Competition and Markets Authority

On 16 March 2011, the UK's Department of Business, Innovation and Skills opened a consultation on the proposed merger of the Office of Fair Trading (OFT) and the Competition Commission. The consultation will be open until 13 June 2011.

[Read more](#)

# OTHER ISSUES OF INTEREST

## EVENTS

- **Germany:** International Conference on Competition in Berlin
- **Poland:** 10th Annual Meeting of European Competition Authorities in Warsaw
- **Portugal:** 3rd Annual Iberian Competition Forum

### Personalia

- **Hungary:** New Secretary General at the Authority
- **Lithuania:** New Chairperson
- **The Netherlands:** Acting Chairman for the NMa
- **Norway:** New Director General
- **European Commission:** Two new Deputy Directors General in DG Competition

### Annual Reports

- **Lithuania:** Annual Report 2010 published in LT and EN
- **Slovak Republic:** Annual Report 2010 published in SK/EN

[Link to the Annual Reports of all ECN Members](#)

### Hungary: European Competition Day in Budapest

The European Competition Day will take place in Budapest on 29 and 30 May 2011 and the main theme of the discussions will be 'Convergence in the European Competition Network'.

[Read more](#)

### Ireland: Competition Authority celebrates 20th Anniversary with one-day Conference

The Irish Competition Authority will celebrate 20 years of competition law with a one-day conference taking place in Dublin Castle on 13 June 2011. The conference theme is "The Role of Competition in Ireland's Economic Recovery".

[Read more](#)

### Spain: Annual Competition Day

The CNC will celebrate its traditional Annual Competition Day on 21 June 2011 at its headquarters in Madrid. Joaquín Almunia, Vice-President of the European Commission, will intervene as keynote speaker. Topics in the agenda of the conference include competition issues in the financial sector, compliance programs in competition and information exchanges among competitors.

## 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](#)