



ECN Brief

ECN Brief 05/2010

Welcome to the fifth issue
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

Dear Reader,

This is the fifth 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.

This issue covers news from October until December 2010 and closes the first year of publication of the ECN Brief. Throughout this whole year, we have taken you through the manifold enforcement, legislative, policy and advocacy activities of the ECN Members. On this occasion, we are also happy to invite you to read the "ECN Brief Special Issue - A look inside the ECN: its members & its work" which is currently available on the ECN website. This Special Issue is a collective self-portrait of all ECN Members including individual presentations of the NCAs and giving an insight into the activities of some of its working groups and subgroups.

Wishing you interesting reading as well as season's greetings, we hope to have the pleasure of welcoming you again in 2011.

DISCLAIMER:

This publication is a compilation of contributions from national competition authorities of the European Union and the Competition Directorate General of the European Commission ("the Authorities"). Information provided in this publication is for information purposes only and does not constitute professional or legal advice. The content of this publication is not binding and does not reflect the official position of any Authority. Neither any Authority nor any person acting on its behalf is responsible for the use which might be made of information contained in this publication.

.....ISSN 1831-6093

KD-AG-10-005-EN-N

ENFORCEMENT & CASES

AUTHORITIES

- **Belgium:**
The Telenet Case:
Consumers and Interim Measures
- **Germany:**
 - Fine imposed on two Companies in the Press Room Chemicals' Sector
 - Fine imposed for coordinating Ticket Prices for Flights to Turkey
- **Italy:**
Opening of Proceedings against Pfizer for alleged Abuse of Dominant Position
- **The Netherlands:**
Competition Authority presses Dutch Shrimp-Fishing Industry for Explanation
- **Spain:**
Investigation into the Manufacture, Distribution and Marketing of Paper Products
- **United Kingdom:** Office of Fair Trading proceeds with Loan Pricing Case

COURTS

- **Slovakia:**
Regional Court in Bratislava annuls Authority's Decision in Banking Cartel Case
- **European Courts:**
Judgment of the ECJ in the Vebic Case on the Possibility for a National Competition Authority to participate as Defendant in Review Proceedings against its Competition Decisions

Denmark: Scandlines - Commitments to remove a Prohibition against Resale of Ferry Tickets

On 27 October 2010, commitments accepted by the Danish competition authority, removing a prohibition against the resale of ferry tickets for freight, became binding.

[Read more](#)

France: Binding Commitments from Google aimed at clarifying its Content Policy as regards Databases for GPS Navigation Devices for Motor Vehicles

On 28 October 2010, the commitments proposed by Google became binding: the content policy of its AdWords service concerning databases for GPS navigation devices for motor vehicles has to be implemented in an objective, transparent and non discriminatory manner.

[Read more](#)

Hungary: Cartel on the Grain Market

On 28 October 2010, the Hungarian Competition Authority imposed fines totalling HUF 2 300 000 000 (approx. € 8 400 000) on 16 milling companies for their participation in a price-fixing and market sharing cartel.

[Read more](#)

Italy: Binding Commitments by Consorzio Bancomat and Italian Banking Association

Following the decisions of the Italian Competition Authority of 30 September 2010, reductions in bank charges for Pagobancomat, Bancomat and the set-up of direct debit (RID) and electronic payment instrument (RiBa) services have been implemented.

[Read more](#)

Slovakia: Supreme Court upheld Competition Authority's Decision in Cargo Railway Case

On 26 October 2010, the Supreme Court of the Slovak Republic upheld the decision of the Antimonopoly Office of the Slovak Republic of 22 December 2006 in an abuse case. The European Commission had intervened as Amicus Curiae on the application of the concept of economic continuity within an undertaking and the effectiveness of fines in relation thereto.

[Read more](#)

United Kingdom: Early Resolution Agreement in Reckitt Benckiser Abuse Case in the Pharma Sector

On 15 October 2010, the OFT announced that it had agreed to reduce the fine it had proposed following Reckitt Benckiser's admission and decision to co-operate as part of an early resolution agreement.

[Read more](#)

LEGISLATION & POLICY

- o **Bulgaria:**
Opinion on proposed Amendment to the Law regulating the Activities of Private Bailiffs
- o **Lithuania:**
Draft Amendments on the Law on Competition to ensure more effective Enforcement of existing Competition Rules
- o **The Netherlands:**
 - Preliminary results of the Mortgage Rate Quick Scan point to high Margins
 - NMa's 2010 Vision Document on the Payments Market
- o **Sweden:**
Authority adopts new Regulation for notifying Concentrations between Undertakings
- o **United Kingdom:**
OFT opens Public Consultation on Competition Compliance Guidance
- o **European Commission:**
 - Public Consultation about to be launched on a coherent European Approach to Collective Redress
 - Commission adopts revised Competition Rules on horizontal Co-Operation Agreements

Sector Inquiries

France: Autorité de la concurrence adopts Final Reports of its Sector Inquiries on

- Category Management
- Network of Retail Distributors

Annual Reports

Link to the Annual Reports of all ECN Members

ECN: Heads of Authorities endorse two Resolutions

On 16 and 17 November 2010, at the meeting of the heads of authorities, two joint resolutions were agreed, concerning:

- the need for effective competition authorities; and
- the recommendation of the High Level Group on Milk aimed at improving the bargaining power of dairy farms.

[Read more](#)

Germany: Bundeskartellamt defines Best Practices for Expert Economic Opinions

On 20 October 2010, the Bundeskartellamt published a notice on binding quality standards for expert economic opinions. The aim of these standards is to ensure that expert economic opinions which are submitted to the authority for assessing the facts of a case under competition law satisfy minimum quality requirements.

[Read more](#)

Nordic Countries: Joint Report on Competition Policy and Green Growth

In October 2010, the Nordic countries published a joint report on the relationship between environmental and competition policy. The report contains a survey of the main issues facing competition authorities in respect of environmental policy, with an emphasis on the competition implications arising in respect of different environmental policy instruments.

[Read more](#)

Portugal: Competition Authority concludes the Final Report on the Relationship between the Large Retail Groups and their Suppliers

In October 2010, the PCA concluded the Final Report on the Relationship between the Large Retail Groups (LRGs) and their Suppliers. In doing so, the PCA exercised its supervisory powers following various expressions of concern over an alleged imbalance in the negotiating power between these parties.

[Read more](#)

United Kingdom: Proposed Merger of the UK's Office of Fair Trading (OFT) and the Competition Commission (CC)

On 14 October 2010, the UK's Department for Business, Innovation and Skills announced a proposal to streamline the UK competition and consumer regimes, proposing a merger between the OFT and CC.

[Read more](#)

OTHER ISSUES OF INTEREST

EVENTS

- o **ECN:** Officials Exchange Programme at the European Commission
- o **Czech Republic:** Report of the St. Martin Conference: new Trends and Developments in Competition Law and Policy
- o **France/Germany:** 4th Franco-German Competition Day in Bonn
- o **Poland:** Report of the Conference in Poznan "Competition Law: for or against Undertakings"
- o **Sweden:** Seminar on the Pros and Cons of Standard Setting

Personalia

Hungary: New President and two new Vice-Presidents of the GVH and two new Competition Council Members

Belgium: Highlights of the Competition Day

The Competition Day on 'Private enforcement' was organised on 21 October 2010 under the auspices of the Belgian Presidency of the European Union. Representatives of consumers and industry, judges, the European Commission and competition practitioners exchanged views on the key benefits and remaining obstacles to the compensation of damages within the European Union. [Read more](#)

Hungary: Competition Day on 30 May 2011

Under the aegis of the Hungarian EU Presidency, the European Competition Day will be held in Budapest on 30 May 2011. The event will be organised by the Hungarian Competition Authority (Gazdasági Versenyhivatal – GVH). The programme and further details concerning the event will be published in due course.

Portugal: Competition Authority (PCA) launches International Training Programme

In November 2010, the PCA launched its International Training Programme (PCA_ITP) which intends to provide meaningful hands-on experience in competition law, economics and policy, as well as in competition law enforcement and advocacy to officials from other competition authorities at the premises of the PCA. The pilot session of the PCA_ITP took place in November with the PCA hosting two competition officials from CADE (Brazil). [Read more](#)

CONTACTS

ECN STATISTICS

Access to Commission Cases

[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