



ECN Brief 01/2014

ECN Brief

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issue of the
ECN Brief

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Any reactions, comments, ideas, suggestions for improving this Brief are very welcome and should be sent to: comp-ecb-brief@ec.europa.eu

Dear Reader,

This is the 22nd 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 informs you about the activities of the ECN and its members and reflects the richness of enforcement actions and advocacy in the Network. It focuses on news of major interest about EU competition law and policy.

The present edition covers news from December 2013 to February 2014. It reports on a wide variety of enforcement actions undertaken by the members of the ECN in sectors ranging from pharmaceuticals, food, post, construction, energy to online hotel booking platforms. In addition, legislative developments are reported from Finland, Latvia, Lithuania, Slovakia and Sweden.

More news about the activities of the ECN and its members will be published in Spring 2014. In the meantime, we wish you interesting reading!

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.

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ENFORCEMENT & CASES

AUTHORITIES

- o **France:** Autorité fines EDF for having unjustly favoured Subsidiary operating in emerging Market for Photovoltaic Solar Power
- o **Germany:**
 - Bosch Siemens Hausgeräte abandons anti-competitive Rebate System
 - Fines imposed on several Breweries for Price Fixing Agreements
- o **Denmark:** Commitments from Denmark's biggest Broadband Provider in alleged Abuse Case
- o **Poland:** PGNiG offers Commitments in Abuse of Dominance Case
- o **Romania:** Fines for anti-competitive Conduct in Buy-Back Campaigns on Market for Sale of Electric and Electronic Equipment
- o **Spain:**
 - AENA and Car Rental Companies fined for anti-competitive Exchange of Information
 - CORREOS fined in Margin Squeeze Case

COURTS

- o **Austria:** Cartel Court imposes Fines for Resale Price Maintenance in Food Sector
- o **Poland:** Court confirms UOKiK's Decision in Cement Case
- o **Slovakia:** Supreme Court upholds Decisions of Antimonopoly Office in Construction Cartel Case
- o **Sweden:** *Ne bis in idem* Principle does not prevent Competition Authority from imposing Fines after Decision to terminate Infringement has been issued

France: Autorité de la concurrence fines Pharmaceutical Company Schering-Plough for impeding Arrival of Generic Version of Originator Medicinal Product Subutex

On 19 December 2013, the Autorité imposed a € 15 300 000 fine on Schering-Plough for denigrating the generic version of its originator product Subutex, a medicinal product prescribed for treating opiate addiction, and for granting unwarranted discounts to pharmacists to curb generic product entry.

[Read more](#)

Germany: Online Hotel Portal HRS 'Best Price' Clause violates Competition Law

On 20 December 2013, the Bundeskartellamt prohibited the online hotel booking platform HRS from continuing to apply its so-called 'best price' clause and ordered the company to delete it from its contracts as well as from its general terms and conditions by 1 March 2014, to the extent the clause affects hotels in Germany.

[Read more](#)

Hungary: Fines imposed for Resale Price Maintenance on Undertakings operating on Dental Devices Market

The Hungarian Competition Authority found that the undertakings concerned had concluded agreements to set a fixed minimum resale price for dental devices, and that a scheme had been set up to monitor distributors' pricing practices; they were excluded from the network if they failed to follow the recommended price list.

[Read more](#)

United Kingdom: OFT clears Way for Discounts on Hotel Rooms

On 31 January 2014, the Office of Fair Trading (OFT) accepted formal commitments from two of the UK's largest online travel agents, Booking.com and Expedia, together with InterContinental Hotels Group, which will enable them and their contractual partners to offer, by end April 2014, discounts on rates for hotel rooms located in the UK.

[Read more](#)

LEGISLATION & POLICY

- o **Bulgaria:**
 - CPC proposes Abolition of anti-competitive Regulations on Wood Production and Sale
 - Minimum Price-setting by Creative Associations restricts Competition
 - CPC proposes Amendments to Legislation regulating Provision of Ambulatory Medical Care
- o **Denmark:** Regulation of Chiropractors and Physiotherapists prevents efficient Competition
- o **Finland:** Competition Act Provision on Grocery Retail applicable from 1 January 2014
- o **France:** Autorité publishes Opinion on Medicinal Distribution Sector
- o **Greece:** Competition Commission concludes Sector Inquiry into Fruit-and-Vegetable Sector
- o **Latvia:** Competition Council concludes Sector Inquiry into Milk Production and Processing
- o **Lithuania:** Parliament adopts Amendments on Competition Law
- o **The Netherlands:** 'Underwater Mortgages' do not result in higher Interest Rates for Homeowners

Latvia: Amendments to Competition Law planned

In January 2014, ministries and stakeholders concluded discussions on amendments to Latvia's Competition Law. These Amendments will now be laid down in concrete terms before submission to the Cabinet of Ministers. They intend to render the Latvian Competition Law more efficient, and optimize and improve the Competition Council 's operation.

[Read more](#)

Slovakia: Proposed Amendment to Act on Protection of Competition

The Antimonopoly Office submitted on 13 December 2013 several amendments to the Competition Act to the inter-ministry comment procedure. The most significant changes concern the introduction of new instruments in Slovak competition policy.

[Read more](#)

Sweden: Competition Authority's new Responsibility for providing Support to contracting Authorities and Economic Operators in Area of Public Procurement

As of 1 January 2014, the Swedish Competition Authority has been tasked with providing general support to contracting authorities and economic operators in the field of public procurement, including specific fields such as innovation and sustainability. This will result in changes within the Authority in terms of both responsibilities and resources.

[Read more](#)

United Kingdom: CMA publishes Guidance on Approach to its new Powers

On 10 January 2014, the Competition and Markets Authority, which will take on its full functions from April, published guidance on its approach to using some key legal powers, including new measures to impose financial penalties on firms that do not comply with competition investigations or with interim measures imposed in merger cases.

[Read more](#)

OTHER ISSUES OF INTEREST

EVENTS

- o **Slovakia:**
 - Antimonopoly Office launches new Website
 - Workshop on Cartel Agreements in Public Procurement
- o **European Commission:** Report from European Competition Forum

Personalia

Latvia: New Member of the Competition Council appointed

Annual Reports

Link to the Annual Reports of all ECN Members

Greece: European Competition Day on 10/11 April 2014

The Hellenic Competition Commission will organise the European Competition Day in the context of the Greek Presidency of the Council of the EU. The first day will cover core competition enforcement and policy issues such as novel issues in the retail sector and their appropriate enforcement actions; the second day is dedicated to developments in the field of state aid.

[Read more](#)

Hungary: GVH hosts Visegrad 4 Conference on 20 March 2014

Between 1 July 2013 and 30 June 2014, the cooperation of the Visegrad 4 countries (Poland, Czech Republic, Slovak Republic and Hungary) falls under the Hungarian Presidency. The Hungarian Competition Authority (GVH) is organizing a high level conference in Budapest where legislative developments, enforcement practices and advocacy issues of the Visegrad 4 countries will be discussed.

[Read more](#)

Slovakia: Conference on current Trends in Slovak and European Competition Law on 14 May 2014

The Antimonopoly Office of the Slovak Republic, together with the Faculty of Law of the Comenius University will host this annual international conference on Slovak and EU competition law in Bratislava. The conference provides a forum for the exchange of experience on topical competition issues between public EU authorities, academics and the business community.

[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