



ECN Brief 02/2014

ECN Brief

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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 23rd 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 the first half of 2014. Next to reporting about several enforcement actions by the ECN members, the Brief highlights some institutional developments: the new Competition and Markets Authority (CMA) started working in the UK on 1 April and in Ireland, the National Consumer Agency is planned to merge with the Competition Authority. At the European level, a compromise text of the Directive on Antitrust damages has been approved by the European Parliament on 17 April: the Directive will make it easier for consumers and businesses which have suffered harm as a result of an infringement of EU antitrust rules to obtain compensation.

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

DISCLAIMER:

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ENFORCEMENT & CASES

AUTHORITIES

- o **Denmark:**
Competition Council accepts new Commitments on Football Clubs' joint Sale of Media Rights
- o **France:**
 - Autorité de la Concurrence fines Editor of Sports Newspaper L'Equipe for forcing out Le 10Sport.com from Daily Sporting Press Market
 - Autorité de la Concurrence accepts Commitments from PMU to separate its Online Horserace Betting Activity from its monopolistic Network of Physical Points of Sale
- o **Germany:**
 - Bundeskartellamt imposes Fines on several Wallpaper Manufacturers
 - Standard Fees for Electronic Cash Payment System abandoned
- o **Italy:**
Competition Authority fines Roche and Novartis for Cartelizing Sales of two major Ophthalmic Medicines
- o **Lithuania:**
Agreement among Brewers to cease Production of strong Beer violates Competition Rules

COURTS

- o **Lithuania:**
Supreme Administrative Court upholds Competition Authority's Decision in Shipping Agency Case and adjusts Fines

Germany: Fines imposed on Sugar Manufacturers

On 18 February 2014, the Bundeskartellamt imposed fines totalling approximately € 280 000 000 on the three major German sugar manufacturers for a cartel fixing sales areas, quotas and prices. The agreements took place over several years up to 2009, and in some instances date back to the mid '90s.

[Read more](#)

Romania: Fines imposed on Companies active on Market for Dental Products

On 5 February 2014, the Romanian Competition Council announced that it had imposed fines on five companies for agreeing on the maximum discount that could be offered by Romanian distributors of certain dental products to their customers. The Authority concluded that the conduct amounted to retail price maintenance in violation of national and EU competition rules.

[Read more](#)

European Commission intervenes in so-called 'Patent War' by adopting Decisions addressed to Motorola and Samsung

On 29 April 2014, the European Commission adopted two antitrust decisions that concern the enforcement of standard essential patterns (SEPs) for the second and third generation telecom standards. The two decisions provide guidance to the industry on the competition law limits of using SEPs to exclude competitors from the market or to extract disadvantageous licensing terms.

[Read more](#)

Lithuania: Reference for Preliminary Ruling to ECJ in Case concerning Online Sale of Package Tours

The Supreme Administrative Court has referred to the Court of Justice for a preliminary ruling in a case in which 30 tour operators/travel agents were fined for having coordinated their actions online (Case C-74/14).

[Read more](#)

LEGISLATION & POLICY

- o **Bulgaria:**
 - Commission for Protection of Competition recommends abolishing unreasonable administrative Barriers to Competition in Auditors' Market
 - Commission for Protection of Competition advocates for more Competition on Retail Market of Reimbursable Drugs
- o **France:**
 - Autorité de la Concurrence publishes Results of its Sector Inquiry on Long-Distance Coach Transport
- o **Greece:**
 - Competition Commission issues Formal Opinion on Professional Rights of Engineers
- o **Latvia:**
 - Ten Years of Competition Policy Enforcement since Accession to European Union
 - Low Price as main Criterion in choosing Television Operator
 - Competition Council launches Inquiry into Supply of Information Systems to Public Authorities
- o **The Netherlands:**
 - Authority for Consumers and Markets develops new Consultation Method to set its Agenda 2014-2015
- o **Poland:**
 - New Competition Policy Strategy of the Office of Competition and Consumer Protection
- o **United Kingdom:**
 - Competition and Markets Authority announces Programme of Work on Banking
 - Office for Gas and Electricity proposes Reference to Competition and Markets Authority to investigate Energy Market.
- o **European Commission:**
 - Revised Competition Regime for Technology Transfer Agreements

Cyprus: Amendments to Protection of Competition Law enter into Force

The Law has been amended to improve the effectiveness of competition law enforcement by enhancing the powers of the competition authority and providing further convergence with EU Law and ECN Recommendations.

[Read more](#)

Ireland: New Competition and Consumer Bill merges Consumer Agency and Competition Authority

On 31 March 2014, a new Competition and Consumer Bill was published by the Irish Government. It will provide for the merger of the National Consumer Agency and Competition Authority, improvements in the competition law; the regulation of certain practices in the grocery goods sector and the modernisation of the law on media mergers.

[Read more](#)

United Kingdom: Competition and Markets Authority starts Work

On 1 April 2014, the Competition and Markets Authority (CMA) started work as the UK's primary competition and consumer agency: bringing together the Competition Commission (CC) with the competition and certain consumer functions of the Office of Fair Trading (OFT), the CMA has a range of new responsibilities and powers to ensure it meets its mission of making markets work well for consumers, businesses and the economy.

[Read more](#)

European Union: The European Parliament approves Compromise Text of Directive on Antitrust Damages Actions

The Directive will make it easier for consumers and businesses to obtain compensation if they are victims of infringements of the EU antitrust rules, such as cartels and abuses of dominant market positions. The text aims to remove a number of practical difficulties which victims frequently face when they try to obtain compensation for the harm they have suffered. At the same time it ensures that the effectiveness of the tools used by competition authorities to enforce antitrust rules, in particular leniency and settlement programmes, is preserved.

[Read more](#)

OTHER ISSUES OF INTEREST

EVENTS

- o **Hungary:**
Report of Visegrad 4 Competition Conference
- o **The Netherlands:**
Authority for Consumers and Markets hosts Meeting of ECN members on Construction Materials
- o **Slovakia:**
Report on International Conference on Current Trends in Slovak and European Competition Law

The Netherlands: Authority for Consumers and Markets hosts Conference on 'Innovation in oversight/Oversight and innovation'

In celebration of its first anniversary, the Netherlands Authority for Consumers and Markets (ACM) is organizing a one-day international conference on 20 June 2014. The theme of the conference is: Innovation in Oversight/Oversight and Innovation. Attendees will include high-level representatives from the corporate sector, academia, competition agencies and competition regulators.

[Read more](#)

Annual Reports

- **Ireland:** Annual Report 2013 published
- **European Commission:** 2013 Report on Competition Policy published

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

Personalia

- **Poland:** Appointment of new President of the Office of Competition and Consumer Protection

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

2014 Annual Work Programme and new Call for Proposals on Training of National Judges in EU Competition Law