



## **Two SMEs violated Community law – the GVH imposed a fine because of price fixing**

**The Gazdasági Versenyhivatal (GVH – the Hungarian Competition Authority) established that Óceán-L Kereskedelmi és Szolgáltató Kft. (Óceán-L Kft.) and Hüperion Kereskedelmi és Szolgáltató Kft. (Hüperion Kft.) had entered into an anticompetitive agreement for the period between July 2014 and April 2015, concerning the fixing of minimum internet resale prices of Laddomat boiler filling units. The GVH imposed a fine of some 1.2 million HUF on the two undertakings for the infringement.**

The investigation of the GVH uncovered that Óceán-L Kft., as the importer of the products, had prompted its trading partners via email to utilise its recommended minimum internet resale prices. Hüperion Kft. complied with the incitement and adjusted its prices to the recommended minimum.

When setting the base amount of the fine, the GVH took into account the revenues of the two undertakings which stemmed from the sales between July 2014 and April 2015 of the three types (21-60, 11-30 and 21-100) of Laddomat boiler fillers involved in the proceeding.

When calculating the fine, the GVH evaluated – among others – the following aggravating factors:

- price fixing qualifies as a hard-core restriction within vertical agreements;
- the two undertakings did in fact implement the agreement.

The GVH took into account, as a mitigating circumstance, that both operators have small market shares in the concerned market, and that the gains of the infringement could not be quantified.

A successful settlement negotiation with Hüperion Kft. was conducted during the proceeding; consequently, the GVH reduced the fine imposed on it by 25%. The GVH may, within the so-called [settlement procedure](#), reward an undertaking that admits to an infringement and that waives certain procedural rights, by granting a 30% reduction of the fine imposed – instead of the former 10%.

The GVH terminated the proceeding

- as regards the investigation pursuant to the Hungarian Competition Act, since the exact market shares could not be determined and it was therefore not possible to establish, nor exclude, that the agreement was of minor importance;

- against Atmos Energia Kft., H+H Com. Kft., K4K-KER Kereskedelmi és Szolgáltató Kft., Szol-Therm Épületgépészeti Kft. and Naturtherm Kereskedelmi és Szolgáltató Kft.-vel pursuant to Community law, given the fact that they did not respond to or openly refuse to comply with Óceán-L Kft.'s call, and that it also could not be proven that Óceán-L Kft.'s call to utilise minimum internet resale prices played a role in the setting of their own internet prices via other means.

Case number: **Vj/104/2014.**

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Hungarian Competition Authority

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