

Fines amounting to a total of EUR 4.8 M imposed for collusion in the public procurement of diagnostic imaging equipment

The Hungarian Competition Authority (GVH) established that several undertakings producing and distributing diagnostic imaging products (namely MRI, CT and X-ray equipment) had engaged in unlawful conduct related to the EU tender ‘Supporting the procurement of health equipment aimed at saving energy’ issued for the public procurement of diagnostic imaging equipment. The GVH imposed fines amounting to a total of EUR 4.8 M on the undertakings.

The GVH’s investigation found that in 2015 the undertakings concerned (namely Siemens Healthcare Kft., Siemens Termelő, Szolgáltató és Kereskedelmi Zrt., GE Hungary Ipari és Kereskedelmi Kft., PHILIPS Magyarország Kft., HOGE Orvosi Műszer Kft., Premier G. Med Kft., Euromedic Technology Kft., Chemium Zrt. ‘i.L.’, Medirex Zrt., and Mediszer Kórháztechnika és Kereskedelmi Kft.) had shared among each other the public procurement tenders issued in the Environment and Energy Programme. Their single and continuous anti-competitive conduct constitutes one of the most serious infringements in competition law. The GVH imposed the highest fines on GE Hungary Kft. (approx. EUR 1M), Premier G. Med. Kft. (approx. EUR 933 300) and Euromedic Technology Kft. (approx. EUR 900 000).

Several undertakings actively co-operated with the authority in the proceeding. Three undertakings voluntarily announced their unlawful conducts for which they also handed over evidence. The authority offered immunity from the imposition of a fine to Mediszer Kft., which was the first undertaking to apply for leniency. For the same reason, Siemens Healthcare Kft. was granted a fine reduction of 40%. While the GVH did not accept the leniency application of HOGE Kft., it did, however, reduce the fine imposed on the undertaking by 30% because the company had admitted its involvement in the infringement and had also waived its right to seek a legal remedy. Further significant fine reductions were granted by the GVH to a number of undertakings pursuant to the settlement procedure.

It should be noted that the two methods of fine reduction, namely through an application for leniency and participation in the settlement procedure, are combined. Consequently, Siemens Hungary Kft. benefited from a total fine reduction of 70% as a result of its co-operation.

The GVH terminated the proceeding against all the other undertakings under investigation.

The official registration number of the case: **VJ/19/2016.**

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