

The GVH imposed a fine due to price-fixing, market allocation and information exchange on the market of waste management – first successful settlement

The GVH launched a competition supervision proceeding on 10 March 2015 against ALCUFER, FE-GROUP, JÁSZ-PLASZTIK, MÉH Hulladékgazdálkodási Zrt., Észak-magyarországi MÉH Nyersanyaghasználó Zrt., AKKUCITY Akkumulátor és Akkumulátorhulladék Kereskedelmi Kft. and VENTUM Kereskedelmi és Szolgáltató Kft. because the battery collection firms had carried out discussions from 2013 relating to the allocation of the collection market for lead-acid batteries in Hungary. The discussions of the undertakings also provided that the undertakings should promote the lead-acid battery in order to start Jász-Plasztik's battery processing plant; furthermore, they also covered the purchase prices that should be applied by Jász-Plasztik to the detriment of non-Participant businesses, as well as the restriction of competition on the market of the collection of lead-acid batteries in Hungary. The competition supervision proceedings have been terminated against Akkucity and Ventum as they were not involved in the anti-competitive consultations.

Alcufer, Fe-Group and Jász-Plasztik incorporated their anti-competitive discussions into a consortium agreement. The leaders of Alcufer, Fe-Group and Jász-Plasztik took part in the discussions, with the result that the top decision makers from each of the undertakings were represented in the discussions on which the later the consortium contract was concluded. The consortium agreement was not signed. There was no evidence that any of the provisions of the agreement relating to the infringement had been applied.

Due to lack of evidence, the GVH terminated the competition supervision proceeding with regards to a potential vertical agreement made in the scope of the consortium agreement.

Alcufer, Fe-Group and Jász-Plasztik committed a single, continuous and complex infringement when they carried out discussions from 26 June 2013 until 27 March 2014 relating to

- the allocation of the collection market for lead-acid batteries in Hungary,
- the joint establishment of a price system in which Jász-Plasztik would have offered Alcufer and Fe-Group a favourable purchase price, while it would have offered a price that was detrimental to not party to the agreement,
- the exchange of confidential and individualized quantity, pricing and shipping data in order to comply with the consortium agreement.

The GVH imposed a fine of

- HUF 28,020,000 (approx. EUR 90,000) on Alcufer,
- HUF 50,220,000 (approx. EUR 160,450) on Fe-Group and
- HUF 34,280,000 (approx. EUR 109,500) on Jász-Plasztik.

This was the first hybrid settlement case of Hungary, with only Fe-Group participating in the settlement statement.