

# Recent competition law developments in Hungary

## II. V4 Conference

**Attila DUDRA**

Member of the Competition Council  
GVH (the Hungarian Competition Authority)

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# Overview

- ❑ Recent Amendments to the Competition Act
- ❑ Developments in the merger control
- ❑ Priorities in antitrust and consumer protection
- ❑ Other recent topics

# Changes of the applicable rules

## Recent amendments to the Competition Act

- From 15 January 2017.
  - Significant changes in merger control
  - Additional changes in antitrust:
    - Maximum reduction of fine in settlements ↑ 30%
    - Leniency in RPM cases too
    - Implementing the Directive on Damages of competition law infringements
- From 1 January 2018.
  - Procedural rules
  - Some fine tuning

## Review of the soft law

# Merger control rules – significant changes

Authorization system → **Notification system, within 8 days:**

- **to issue an official certificate:** obviously non-problematic mergers
- **to commence a case** (Phase I. 30 days, Phase II. 4 month)

**Hard thresholds:** combined 15 billion HUF (~48,3 m €), individual 1 billion HUF (~3,2 m €)

**Introducing a new (soft) threshold:** combined revenue above 5 billion HUF and the potential of SLC, no stand still obligation, could be notified, or within 6 months ex-officio investigated

**Administrative service fee lowered** (1 m HUF ~3200 €)

**Possibility of the dawn raid**

**Streamlined Notification Form**

# Merger control practice: application of the new tools

**Screening of non-problematic notifications:** ~70% closed with official certificate within 5 days on the average (most of them after prenotification)

**In Phase II cases - focus on the competition concerns and solutions:**

RMX concrete case - [divestitures with monitoring trustee for the 1st time](#)

**First ex-officio case upon the new threshold:** [local cable network merger](#)

**Gun jumping [cases](#)**

**Data accuracy issues:**

- Two revoked [decisions](#) and fines for misleading information
- Procedural fines
- Dawn raid



# Priorities in antitrust and consumer protection

- **Settlements** - recent modifications, experiences of the litigation
  - 2 settled cartels ([estate agent](#) and [boiler filling unit](#) cases) in 2017
- **SME-s: [warnings](#)** instead of fines
  - 3 UCP cases in 2017
- **Compliance and compensation** - [notices](#) and [decisions](#)
  - Reduction of fines ~ 300 m HUF (~ 970.000 €) in 2017
- **Digital economy**
  - E.g. influencer [cases](#) and [guide](#)

# Other recent topics

## Efforts to use

### ➤ up-to-date technology:

- [Virtual Data Room](#): client friendly electronic access to files
- Possibility of electronic communications in cases
- [Cartel chat](#), [Tips on the mobile app](#) of the Public Procurement Authority

### ➤ other methods/tools available :

- [Impact assessment](#) (of antitrust and merger interventions) for 2011-2016
- [Market study](#)
- [Interim measure](#) to remove illegal contents and website

**Thank You for your attention!**



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Versenyhivatal