



# ECN Brief

ECN Brief 02/2010

## Welcome to the second issue of the ECN Brief

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### Dear Reader,

This is the second 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.

Competition enforcement and policy apply to a wide variety of different sectors of economic activity and affect many products and services used by consumers. In some instances, cases and policy initiatives cover products or services directly used by final consumers, while others relate to products or materials higher up in the supply chain.

In the present edition - which covers news from December 2009 to March 2010 - we have noted that a large number of enforcement and policy actions by the authorities directly concern products for final consumers. From soft drinks to web browsers, this certainly illustrates that competition delivers for consumers. For more information on what competition can do for consumers, see also:

[http://ec.europa.eu/competition/consumers/why\\_en.html](http://ec.europa.eu/competition/consumers/why_en.html)

The next issue of the ECN Brief will be published mid-June 2010. In the meantime, we wish you interesting reading.

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](mailto:comp-ecn-brief@ec.europa.eu)

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# ENFORCEMENT & CASES

## AUTHORITIES

- **Belgium:** Complaint about Termination Rates for International Calls rejected
- **Czech Republic:** Export Bans on Lignite Fuels are anti-competitive
- **France:** Competition Authority accepts Commitments to end Exclusive Distribution of iPhones by the Incumbent Telecom Operator
- **Germany:** Access to Essential Facilities granted on the Puttgarden-Rødby Ferry Route
- **Italy:** Competition Authority accepts Commitments in ENEL Case
- **Slovakia:** Cartel in the Banking Sector
- **Spain:** Competition Authority accepts Commitments in Electronic Communication Services and Pay TV Case
- **United Kingdom:** Office of Fair Trading adopts Statement of Objections in Alleged Abuse Case in Pharmaceutical Sector

## COURTS

- **Czech Republic:** Request to ECJ for Preliminary Ruling on Application of Ne Bis in Idem Principle
- **Finland:** Market Court upholds Proposal for Fines in Timber Cartel Case
- **Poland:** Supreme Court's Request to ECJ for Preliminary Ruling concerning Interpretation of Article 5 of Regulation 1/2003
- **European Commission:** Observations as Amicus Curiae – New Developments

### **Czech Republic: Fines imposed in the Soft Drinks Sector for Territorial Sales Restrictions**

On 23 December 2009, the Office for the Protection of Competition fined the biggest producer and distributor of soft drinks in the Czech Republic for having concluded prohibited agreements with its distributors between 1999 and 2008. [Read more](#)

### **Germany: Coffee Roasters fined for Price Fixing**

On 18 December 2009, the Bundeskartellamt imposed fines totalling € 159 500 000 on three coffee roasters and six of their employees for having agreed on the level, date of announcement and the implementation of price increases from 2003 to 2008. The agreements proved to be directly detrimental to the end consumer to whom price increases were directly passed on. [Read more](#)

### **Italy: Competition Authority (ICA) accepts Commitments by Poste Italiane**

On 16 December 2009, the ICA accepted binding commitments proposed by Poste Italiane. These commitments open up alternative methods for consumers to pay postal payments, such as payments with online accounts or using non-banking alternatives, so that they can avoid or pay lower fees than those charged by Poste Italiane. [Read more](#)

### **Lithuania: Competition Council (CC) closes Investigation in Retail Trade of Automobiles and Technical Maintenance Sector following Commitments**

On 24 December 2009, the CC terminated its investigation following commitments by vehicle traders to put an end to their practice of obliging car owners or users to perform technical maintenance of vehicles covered by warranty only in authorised garages and to refrain from this in future. [Read more](#)

### **European Commission: Microsoft starts distributing Browser Choice Screen foreseen in Commitments**

Since the beginning of March 2010, Internet users in the EEA who receive automatic updates for Windows and have Microsoft's browser set as default, are being invited to choose from 11 additional web browsers: it is expected that, during the roll-out period for existing users which will take place until mid-May, over 100 000 000 PCs in Europe will display the browser choice screen. This is in line with the commitments made legally binding on Microsoft on 16 December 2009. [Read more](#)

# LEGISLATION & POLICY

- **Bulgaria:** Authority adopts Rules on Commitments
- **Denmark:** Report on Competition Culture in Denmark, Germany and the United Kingdom
- **France:** Autorité recommends to further lift Restrictions on Laboratory Services
- **Hungary:** Introduction of the Informant Award in Cartel Cases
- **Italy:** Draft of Annual Law for Competition
- **Ireland:** Awareness raised on Harm caused by Bid Rigging - Authority publishes Booklet and organises 'Bid-Rigging Road Show'
- **Poland:**
  - [Act](#) on Collective Redress
  - [Report](#) on Competition in Electricity Sector
- **Slovakia:** Authority's Comments on Draft Act concerning Postal Services
- **Spain:** Competition Authority publishes Competition Guide for Business Associations
- **Sweden:** Authority produces "Be the first to tell - a film about leniency"
- **United Kingdom:** OFT Framework for Applying Choice and Competition to Public Markets
- **European Commission:** Brochure on How EU Competition Policy helps Dairy Farmers in Europe and Working Paper

## Sector inquiries

- **Bulgaria:** Authority finalises Sector Inquiry into Voluntary Health Insurance
- **Germany:** Bundeskartellamt publishes Interim Report on Milk Sector Inquiry
- **The Netherlands:** Competition Authority increases Transparency of Price-Formation Mechanism in Food Production Chain
- **Romania:** Competition Council launches Sector Inquiry into the Energy Market

## Estonia: New Legislation on Leniency and Sanctions

On 27 February 2010, an amendment to the Estonian legislation entered into force which introduces a specific leniency programme as well as new stricter provisions on sanctions for anti-competitive conduct. The new leniency programme provides for full immunity or reduction of fines for the applicant depending on whether and to what extent the conditions for lenient treatment are met. [Read more](#)

## France: Autorité de la concurrence recommends not to apply RPM to Digital Books

On 18 December 2009, the Autorité delivered its opinion on the possible implementation of retail price maintenance (RPM) scheme for digital books, inspired by the legal provisions that apply to printed books. Given that this is a fast-developing market in its infancy, the Autorité is of the opinion that a RPM scheme is not suited to digital books at present since it may hinder positive market developments. [Read more](#)

## Ireland: Authority publishes Report on the Market for Primary Medical Care

On 16 December 2009, the Competition Authority published a report into the market for primary medical care in Ireland. The Report identified solutions to improve the supply of General Medical Practitioners (GPs) in Ireland and to facilitate advertising by GPs. [Read more](#)

## Portugal: Conclusion of Studies on Mobility in the Retail Banking and Electronic Communications Sectors

Two studies concluded by the Portuguese Competition Authority in December 2009 and January 2010 identified factors that influence customer switching in those key sectors of the economy: retail banking and electronic communications. The reports have led to the issuance of recommendations and the adoption of measures in order to promote customer mobility and foster competition. [Read more](#)

## Spain: The Comisión Nacional de la Competencia (CNC) adopts Report on Collective Management of Intellectual Property Rights

On 19 January 2010, the CNC released a report analysing pricing problems and constraints on competition caused by the collective management of intellectual property rights. It makes recommendations for a more pro-competitive model. [Read more](#)

# OTHER ISSUES OF INTEREST

## EVENTS

- **Austria:** Vienna Competition Conference on 9 June 2010
- **Hungary:** 5<sup>th</sup> Anniversary of the OECD-Hungary Regional Centre for Competition
- **Lithuania:** New Administrative Structure of the Competition Council
- **Portugal:** Competition Authority and IDEFF launch First Scientific Journal on Competition and Regulation published in Portugal
- **United Kingdom:** OFT Conference on Brand Protection and Competition

## Personalia

**European Commission:** New Commissioner for Competition and new Director General of DG Competition appointed.

## Annual Reports of all ECN Members

## CONTACTS

## ECN STATISTICS

## Access to Commission Cases

## Training of National Judges in EU Competition Law

### Czech Republic: Second Annual Conference on Competition Enforcement in the recently acceded Member States

The Annual Conference on Competition Enforcement will be held on 23 April 2010 in Brno and will focus on the countries that recently acceded to the EU which represent smaller, open market economies and have faced a rapid privatisation process.

[Read more](#)

### Poland: UOKiK's 20th Anniversary – Invitation to Warsaw for the Jubilee Conference on Current Issues in Competition Law

The culmination of the celebrations will be the Jubilee Conference to be held on 27 May 2010 in Warsaw. Among the distinguished speakers are Alexander Italianer, Director General of DG Competition, William E. Kovacic, Commissioner of the US Federal Trade Commission, Frederic Jenny, Chairman of the OECD Competition Committee, Eleanor M. Fox Professor of Trade Regulation, New York University School of Law, Andreas Mundt, President of the Bundeskartellamt, Pieter Kalbfleisch, Chairman of the Board of the Netherlands Competition Authority and Peter Freeman, Chairman of the UK Competition Commission.

[Read more](#)

### Spain: European Competition Day, Madrid, 12 May 2010 – Programme published

This year, under the Spanish Presidency, the Competition Day will take place in Madrid. The aim of this event is to raise consumers' awareness of the advantages and values of free competition. The distinguished speakers at this year's Competition Day in Madrid include EU Commissioner Joaquín Almunia, Ms. Sharon Bowles, Chairwoman of the Committee on Economic and Monetary Affairs of the European Parliament, and Mr. Mario Monti, former EU Competition Commissioner.

[Read more](#)

## Annual Reports

### 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

List of grant beneficiaries who will provide training programmes in 2010:

[http://ec.europa.eu/dgs/competition/proposals2/call\\_2008\\_results.pdf](http://ec.europa.eu/dgs/competition/proposals2/call_2008_results.pdf)