

Competition

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Regulation Report

March - April 2014

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Editorial

Privatizations and State Aid : the LARKO Case

The European Commission has concluded that Larco General Mining and Metallurgical Company S.A. (Larco) received various unlawful and incompatible state aids of a total amount of €136 million in form of capital injections and public guarantees. The Commission has decided that Larco must pay back the amount with interest to mitigate the distortions of competition resulting from the incompatible aid.

Concomitantly, the Commission gave clearance for the on-going privatization of certain assets of Larco. Namely, the Commission has in a separate decision concluded that the recovery obligation will not be passed on to the buyers of these assets. Thus, the privatization process was not prejudiced. However, in the case of an assets-deal, as it was the case of Larco, things are relatively simple as the seller maintains its legal form and share structure (which results in the possibility to restrain the recovery only to it, unless it remains after the transfer an empty box). Conversely, in case of a shares - deal, things are more complicated : basically, according to settled jurisprudence, the transferred company as legal entity is responsible for paying back the amounts corresponding to the decision of the Commission declaring that it has received incompatible and unlawful state aid and ordering recovery. Nevertheless, this would be a counterincentive for privatization as financially speaking the prospective buyer will be concerned, although in principle the buying entity - legally speaking - will not normally be exposed to recovery. Simultaneously,

the General Court indicated (case [T-384/08](#)) that any guarantee granted by the State to the buyer, in whatsoever form, aiming at keeping him harmless, in case of recovery, would be qualified as a state aid. However, one could object that granting a guarantee, facilitates the achievement of a higher price and insofar the risk of recovery is not very high (e.g. because the measures that benefited to the entity under privatization are presumably compatible), the granting of a guarantee could be considered as acceptable in view of the MEO (Market Economy Operator) test.

The Press Release of the Commission for the Larco case and other references for the case can be found [here](#)

Anti-trust

The Court reduces Ballast Nedam's fine for the cartel on the road pavement bitumen market in the Netherlands from €4.65 million to €3.45 million

Ballast Nedam NV and its subsidiaries operate in the construction sector in the Netherlands. In 2006, the Commission imposed a fine of €4.65 million jointly and severally on Ballast Nedam NV and BN Infraon for their participation in a cartel involving price-fixing on the road pavement bitumen market in the Netherlands. By judgment of 27 September 2012, the General Court dismissed Ballast Nedam NV's action for annulment. Ballast Nedam NV then brought an appeal before the Court of Justice. By its Judgement on the case (Case C-612/12 P), the Court of Justice of the European Union set the fine imposed jointly and severally on Ballast Nedam NV at €3.45 million. To read

the full press release of the Court of Justice of the European Union (**PRESS RELEASE No 42/14**) click [here](#).

The General Court reduces the fine imposed on the Saint-Gobain group for the car glass cartel from €880 million to €715 million

By decision of 12 November 2008, the Commission found that a number of companies, including several subsidiaries of the Saint-Gobain group ('Saint-Gobain') and their parent company ('Compagnie') had infringed EU competition law by participating, during various periods, in a series of anti-competitive agreements and concerted practices in the car glass sector in the European Economic Area (EEA). By its Judgment in Joined Cases T-56/09 and T-73/09, the General Court reduced the fine imposed on the Saint-Gobain group from €880 million to €715 million. To read the full press release of the General Court (**PRESS RELEASE No 43/14**) click [here](#).

The General Court confirms, on the whole, the lawfulness of the requests for information sent by the Commission to cement manufacturers

In its judgment dated 14.03.2014, the General Court of the European Union confirmed on the whole, the lawfulness of the requests for information sent by the Commission to cement manufacturers. The Court nevertheless partially accepted one of the relative actions on the basis of the inadequacy of the time-limit for responding and provides details on the assessment of the non-arbitrary nature of a request for information. To read the full press release of the General Court click [here](#).

General Court T-181/10 : application of Regulation (EC) 1049/2001 regarding public access to European Parliament, Council and Commission documents, to access on competition cases files

The General Court by its judgment of 20 mars 2014 annuled Commission Decision Gestdem No 2009/5145 of 23 February 2010, refusing the applicant access to certain documents in the administrative file in Case COMP/38589 - Heat stabilisers, on the basis of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, to the extent that it refuses access to the non-confidential versions of the undertakings' requests and to one of the two European Commission's questionnaire;

To read the full text of the judgment click [here](#).

General Court T-46/10 : The General Court upholds the Commission's decision on Case COMP/38589 - Heat Stabilisers - Cartel on fixing prices, allocating markets and customers and exchanging commercially sensitive information - Application of the non-discrimination principle.

The Commission is under no obligation to inform at the same time all the undertakings involved in a cartel which is under investigation by it, and consequently there can be no unequal treatment in this context.

To read the full text of the Court's judgment click [here](#).

European Parliament vote to facilitate damages claims by victims of antitrust violations

The European Parliament has approved a proposal for a Directive (see C&RR 1/2014), which will help citizens and companies claim damages if they are victims of infringements of the EU antitrust rules, such as cartels and abuses of dominant market positions.

The full text of the Commission's Press Release (IP/14/455) can be found [here](#). The full text of the Frequently Asked Questions (FAQ) of the Commission (MEMO/14/310) can be found [here](#).

Commission adopts revised competition regime for technology transfer agreements

The European Commission has adopted new rules for the assessment of technology transfer agreements under EU antitrust rules. The purpose of such agreements is to enable companies to license the use of patents, know-how or software held by another company for the production of goods and services. To read the full press release of the Commission (IP/14/299) click [here](#). A memo on the frequently asked questions is also available [here](#).

Greek Competition Authority (Competition Commission) fines certain driving school associations and stand-alone driving schools for price settling

By virtue of its decision no. 571/VII/2013, announced on 10.03.2014, the Greek Competition Authority (Competition Commission) found that certain driving school associations, as well as stand-alone driving schools, breached article 1 of

Law 03/77 / Law 3959/2011 (as in force) and, therefore, imposed financial penalties of the total amount of 116.431,80 euros. To read the full press release of the Competition Commission (Press Release dated of 10.03.2014) click [here](#).

Commission fines producers of steel abrasives € 30.7 million in cartel settlement

The European Commission has found that Ervin, Winoa, Metalltechnik Schmidt and Eisenwerk Würth participated in a cartel to coordinate prices for steel abrasives in Europe for over six years and has imposed fines totalling € 30 707 000. Steel abrasives are loose steel particles used for cleaning or enhancing metal surfaces in the steel, automotive, metallurgy and petrochemical industries. They are also used for cutting hard stones such as granite and marble. Ervin was not fined as it benefited from immunity under the Commission's 2006 [Leniency Notice](#) for revealing the existence of the cartel to the Commission.

To read the Press Release of the Commission (IP 14/359) click [here](#).

SNCF (the French train incumbent) submits commitments in a pending procedure before the Autorité de la Concurrence (French National Competition Authority - NCA)

Within the scope of a procedure initiated before the Autorité de la concurrence, SNCF has proposed a series of commitments designed to make voyages-sncf.com and competing travel agencies subject to similar conditions in the train ticket distribution sector.

The Autorité de la concurrence is launching a market test to check whether the proposed commitments are sufficient to allay the competition concerns identified. To read the full text of the press release of the Autorité de la concurrence click [here](#)

Mergers

The General Court confirms the prohibition on ABN Amro making acquisitions

That prohibition was imposed by the Commission in 2011 in the context of the recapitalisation of ABN Amro by the Dutch State due to the financial crisis

ABN Amro Group NV ('ABN Amro') is a financial institution which has its registered office in Amsterdam (Netherlands). It holds 100% of the shares in ABN AMRO Bank NV, which is organised across two client centres: (i) retail and private banking and (ii) commercial and merchant banking.

To read the full Press Release of the General Court (**PRESS RELEASE No 52/14**) click [here](#)

Commission approves Wood Group and Siemens joint venture

The European Commission has cleared the proposed creation by Wood Group (US) and Siemens (Germany) of a joint venture (JV) for rotating equipment services under the EU Merger Regulation. The Commission's investigation confirmed that the proposed transaction does not raise competition concerns.

To read the full Press Release of the Commission (**IP/14/475**) click [here](#)

Commission clears acquisition of Esso's European Fuel Card Business by WEX and Radius

The European Commission has approved under the EU Merger Regulation the acquisition of joint control over the European Fuel Card Business of Esso ("target") by Wright Express International Holdings Limited, ultimately controlled by WEX Inc. of the US and Radius Payment Solutions Limited of the UK. To read the full press release of the Commission (**MEX/14/0306**) click [here](#).

Commission clears acquisition of ITI by Brookfield and MOL

The European Commission has approved under the EU Merger Regulation the acquisition of joint control over International Transportation Inc. (ITI) by Brookfield Infrastructure Fund GP II LLC (Brookfield), both of the US and Mitsui O.S.K. Lines, Ltd. (MOL) of Japan. To read the full press release of the Commission (**MEX/14/0306**) click [here](#).

Commission opens in-depth investigation into acquisition by Huntsman of titanium dioxide assets of Rockwood

The European Commission has opened an in-depth investigation to assess whether the planned acquisition by Huntsman of a number of equity interests held by Rockwood (both of the US) is in line with the EU Merger Regulation. The Commission has concerns that the transaction may reduce competition in the market for

sulphate-based titanium dioxide in the European Economic Area (EEA). To read the full press release of the Commission (IP/14/220) click [here](#).

Commission clears acquisition of joint control over Australian Clermont coal mine by Glencore and Sumitomo

The European Commission has approved under the EU Merger Regulation the acquisition of joint control over the Clermont joint venture of Australia, by GlencoreXstrata of Jersey and by Sumitomo of Japan. To read the full press release of the Commission (MEX/14/0311) click [here](#).

Commission approves acquisition of Spanish metal food cans producer Mivisa by rival Crown, subject to conditions

The European Commission has cleared under the EU Merger Regulation the proposed acquisition of Mivisa Envases, S.A.U. of Spain by Crown Holdings, Inc. of the United States. Both Crown and Mivisa manufacture metal food cans used for fruit and vegetables, fish and seafood, pet food as well as ready-made meals. To read the full press release of the Commission (IP/14/270) click [here](#).

Commission clears acquisition of joint control over NATS by USS, British Airways, easyJet, Monarch and the Crown Shareholder

The European Commission has cleared under the EU Merger Regulation the acquisition of joint control over NATS, a UK company mainly active in the provision of "en route" and airport traffic services, by USS, a UK-based pension fund, together with British Airways, easyJet and Monarch, all UK-

based airline companies, and the Crown Shareholder, who is the UK Secretary of State for Transport and has responsibility for setting the national aviation policy. To read the full press release of the Commission (MEX/14/0318) click [here](#).

Commission clears joint venture between Nestlé and Lotte Group in Korea

The European Commission has approved under the EU Merger Regulation the creation of a joint venture between Nestlé S.A. of Switzerland and the Lotte Group of Korea. To read the full press release of the Commission (MEX/14/0319) click [here](#).

French NRA (Autorité de la concurrence) issues report entitled "For a simplified, more consistent and strategic merger control in Europe"

On 14.03.2014, the French National Competition Authority (NRA) (Autorité de la concurrence) published a report entitled "For a simplified, consistent and more strategic merger control in Europe" adopting ten (10) suggestions for the harmonization of legal framework of Member States concerning the merger control. To read the full press release of Autorité de la concurrence (N° 1146) click [here](#).

Nespresso is submitting commitments before the French NRA (Autorité de la concurrence) to lift barriers to entry for other coffee capsule makers - compatible with Nespresso coffee machines - as well as barriers to their growth

To read the full press release of the Autorité de la concurrence (dated 17.04.2014) click [here](#).

State Aids

The Court confirms that the implied unlimited guarantee granted by the French State in favour of La Poste constitutes unlawful State aid

A presumption exists that the grant of such a guarantee involves an improvement in the financial position of the undertaking through a reduction of charges which encumber its budget. To read the full press release of the Court of Justice (**PRESS RELEASE No 48/14**) click [here](#).

The Court of Justice confirms the partial annulment of the Commission's decision relating to aid granted to ING because of the financial crisis

To read the full press release of the Court of Justice (**PRESS RELEASE No 49/14**) click [here](#).

Commission approves restructuring aid for Eurobank

The European Commission has found the restructuring plan of Eurobank Group to be in line with EU state aid rules. The plan will enable the bank to become viable in the long term without unduly distorting competition. Greece has committed to a comprehensive set of measures covering both the restructuring of Eurobank's activities and the credit policy of the group. On the basis of the plan, the Commission has approved under EU state aid rules the restructuring aid granted by Greece to Eurobank Ergasias S.A., including recapitalisations by the Hellenic Financial Stability Fund (HFSF) in 2012 and 2013, as well as the HFSF's backstopping of the ongoing recapitalisation. The Commission has also approved Eurobank's acquisition of

Nea Proton Bank and New Hellenic Postbank, whose integration within Eurobank will reinforce the viability of the group without unduly distorting competition.

To read the full Press Release (**IP 14/495**) of the Commission click [here](#)

Consultation on the Commission's second draft of the new de minimis Regulation replacing Regulation (EC) No 875/2007 on the application of Articles 87 and 88 of the EC Treaty to de minimis aid in the fisheries sector and amending Regulation (EC) No 1860/2004.

Period of consultation from 28.03.2014 to 23.05.2014. For more information click [here](#)

Consultation on a first draft of the new Block Exemption Regulation replacing Regulation (EC) No 726/2008 of 22 July 2008 on the application of articles 87 and 88 of the Treaty to State aid to small and medium-sized enterprises active in the production, processing and marketing of fisheries products

Period of consultation from 04.04.2014 to 04.06.2014. For more information click [here](#)

The Communication from the Commission – Guidelines on State aid to airports and airlines (see C&RR issue 1/2014) has been published.

The full text of the Communication can be found [here](#)

Commission files with the CJEU an action against Greece for not having timely recovered unlawfull state aid granted to various Casinos

More information will be available [here](#)

Commission decided not to raise objections in the amendments of the concession agreements of Ionia Odos and Olympia Odos.

To read the full text of the decisions click respectively [here](#) and [here](#)

Commission approves aid for construction of cruise terminal in Liverpool

The European Commission has found that public funding worth £17.8 million (ca. €22 million) granted for the construction of the Liverpool cruise terminal is in line with EU state aid rules. The new infrastructure furthers EU transport policy objectives without unduly distorting competition in the Single Market. To read the full press release of the Commission (IP/14/245) click [here](#).

Commission notice on current State aid recovery interest rates and reference/discount rates for 28 Member States applicable as from 1 April 2014

A Commission notice on current State aid recovery interest rates and reference/discount rates for 28 Member States was published on 19.03.2014.(OJEU 19.03.2014, C 80/7). The new rates are applicable as from 1 April 2014. For more information click [here](#).

Commission approves €71 million investment aid to modernise Italian Port of Salerno

The European Commission has concluded that funding for an investment project in the amount of €71.1 million from the European Regional Development Fund to the Port of Salerno in Italy (Campania Region) is in line with EU state aid rules. To read the full press release of the Commission (IP/14/329)click [here](#).

Commission finds that German land development scheme does not involve state aid

The European Commission has concluded that a German scheme providing direct grants for the development and revitalisation of land does not constitute state aid. The Commission has found that the development of land by local authorities is part of their public tasks and therefore outside the realm of EU state aid rules. To read the full press release of the Commission (IP/14/332) click [here](#).

Commission considers the German Innovation aid scheme for Shipbuilding and the prolongation of the German CIRF financing scheme for the export of ships as compatible with TFEU – publication of the Commission’s decisions in the OJEU

The Commission’s decision regarding the German Innovation aid scheme for Shipbuilding, adopted on 13.12.2013, was published in the Official Journal of the European Union on 07.03.2014 (OJUE C/69/2014). For more information click [here](#). The Commission’s decision regarding the German CIRF financing scheme for the

export of ships, adopted on 18.12.13, was published in the Official Journal of the European Union on 07.03.2014 (OJ C/69/2014). For more information click [here](#).

Commission approves Greek Aid Scheme entitled “European RTD Cooperation – Granting Act of Greek organizations which successfully participated in the Joint Calls for proposals of the European Networks ERANET – 4th Call”

The Greek aid scheme entitled “European RTD Cooperation – Granting Act of Greek organizations which successfully participated in the Joint Calls for proposals of the European Networks ERANET – 4th Call” was declared by the Commission as compatible with the internal market. The Scheme’s duration is set from 03.12.2013 to 31.12.2015. For more information click [here](#).

Commission approves Aid Scheme of Cyprus for the promotion and advertising of agricultural products

The Aid Scheme of Cyprus regarding the promotion and advertising of agricultural products was declared by the European Commission as compatible with the internal market. The Scheme’s duration is set until 31.12.2014. For more information click [here](#).

Commission encourages the use of EU financial instruments in Greece

Under the auspices of the Greek Presidency of the European Union, the European Commission held on 27.03.2014 in Athens an 'EU Access to Finance Day', a conference devoted to the new generation of EU financial

instruments to support small and medium-sized businesses from 2014 to 2020. To read the full press release of the Commission (**MEMO/14/235**) click [here](#).

Commission streamlines handling of state aid complaints

The European Commission has introduced a new mandatory complaint form that will enable complainants to provide the Commission with the core elements necessary to investigate possible illegal aid in a single submission. This will make it easier for complainants to identify which information the Commission needs for its investigation and enable the Commission to act faster on suspected violations of the state aid rules. To read the full press release of the Commission (**IP/14/404**) click [here](#).

Commission approves Dutch operating aid for Groningen airport

The European Commission has found that operating aid totalling €19.2 million in support of operations at Groningen Airport Eelde is in line with EU state aid rules. The state aid granted by The Netherlands will improve the region's connectivity and the decongestion of bigger airports without unduly distorting competition in the Single Market. To read the full press release of the Commission (**IP/14/403**) click [here](#).

Commission approves €12.7 million Italian investment aid for Verona and Brescia airports

The European Commission has found that a €12.7 million capital injection into the company managing the Italian airports Verona and Brescia, Aeroporto Valerio Catullo di Verona Villafranca

S.p.A, was in line with EU state aid rules. The measure aimed at enabling the company to carry out infrastructure investments over a period of ten years. To read the full press release of the Commission (IP/14/402) click [here](#).

Commission approves aid scheme for airlines launching new routes to Canary Islands

The European Commission has found that a Spanish scheme aimed at providing "start-up" aid to airlines launching new routes to the Canary Islands is in line with EU state aid rules. The Commission has concluded that the project will boost the economic development of the region, in line with EU objectives, without unduly distorting competition in the Single Market. To read the full press release of the Commission (IP/14/401) click [here](#).

EFTA Surveillance Authority adopts New State Aid Guidelines to promote risk finance investments

The EFTA Surveillance Authority has adopted new State aid Guidelines to promote risk finance investments, corresponding to similar guidelines adopted by the European Commission. The adoption of these new Guidelines is part of a broader strategy to modernize State aid control. To read the full press release of the EFTA Surveillance Authority (PR 14/18) click [here](#). The text of the new Guidelines is available [here](#)

Energy

Commission fines two power exchanges € 5.9 million in cartel settlement

The European Commission has imposed fines totalling € 5 979 000 on the two leading European spot power exchanges, EPEX Spot ("EPEX") and Nord Pool Spot (NPS) for having agreed not to compete with one another for their spot electricity trading services in the European Economic Area (EEA). To read the full press release of the Commission (IP/14/215) click [here](#).

Commission adopts new rules on public support for environmental protection and energy

The European Commission has adopted new rules on public support for projects in the field of environmental protection and energy. The guidelines will support Member States in reaching their 2020 climate targets, while addressing the market distortions that may result from subsidies granted to renewable energy sources. To read the full Press Release of the Commission (IP/14/400) click [here](#). The Commission has published also a FAQ (MEMO 14/276), which is available [here](#).

Commission clears acquisition of sole control over certain assets of OMV known as "Bayernoil package" by Varo

The European Commission has approved under the EU Merger Regulation the acquisition of sole control over a set of assets and businesses linked to the Germany refinery Bayernoil and the entire chain of business related to it - the "Bayernoil Package" - by Varo Energy of the

Netherlands, ultimately controlled by Vitol Holding BV, Rotterdam and by the Carlyle Group of the US. For more information click [here](#)

Commission clears acquisition of Topaz Energy and Resource Property by Kendrick Investments

The European Commission has approved under the EU Merger Regulation the acquisition of Topaz Energy Group Limited and Resource Property Investment Fund PLC, both of Ireland, by Kendrick Investments Limited, of the Isle of Man. To read the full press release of the Commission (MEX/14/0312) click [here](#).

Commission clears acquisition of onshore wind farms by GDF Suez, Predica Prévoyance and Omnes Capital

The European Commission has approved under the EU Merger Regulation the acquisition of FEIH by GDF Suez, Predica Prévoyance (controlled by Crédit Agricole) and Omnes Capital, all of France. To read the full press release of the Commission (MEX/14/0320) click [here](#).

Commission clears acquisition of Watson Petroleum Limited by World Fuel Services Corporation

The European Commission has approved under the EU Merger Regulation the acquisition of Watson Petroleum Limited of the UK, by World Fuel Services Corporation of the United States of America. To read the full press release of the Commission (MEX/14/0303) click [here](#).

Commission fines Romanian Power Exchange OPCOM for discriminating against EU electricity traders

The European Commission has imposed a fine of just over € 1 million on S.C. OPCOM S.A. for abusing its dominant position in the Romanian market for facilitating electricity spot trading, in breach of EU antitrust rules. To read the full press release of the Commission (IP/14/214) click [here](#). The relevant Statement of the Vice - President Joaquín Almunia is also available [here](#).

Commission decides not to raise objections with regard to a direct grant for the Medium Voltage Submarine Interconnection of Kalymnos - Kos (Greece).

The duration of the aid expires on 31.12.2014. More information is available [here](#).

Commission considers grants for investment in Romanian electricity and natural gas transmission networks as compatible with the TFEU

The Commission's decision was adopted on 13.03.2014. For more information click [here](#).

Commission approves aid for on-shore wind power in France; opens in-depth inquiry into tax reductions for large energy consumers

The European Commission has concluded that a French scheme providing support to the production of electricity from on-shore wind installations is compatible with EU state aid rules. To read the full press release of the Commission (IP/14/327) click [here](#).

Commission fines producers of high voltage power cables € 302 million for operating a cartel

The European Commission has found that 11 producers of underground and submarine high voltage power cables operated a cartel, and has imposed fines totalling €301 639 000. To read the full press release of the Commission (IP/14/358) click [here](#).

Commission adopts the second EU-wide gas Network Code on Gas Balancing of Transmission Networks (BAL)

On 26.03.2014, the Commission adopted the Regulation No 312/2014 establishing a Network Code on Gas Balancing of Transmission Networks (BAL). The Network Code BAL aims at fostering the short term gas markets and providing price signals as well as contributing to the development of a competitive and efficient gas wholesale market in the EU. The Network Code will apply from 1 October 2015. For more information click [here](#).

Regulatory Authority for Energy (RAE) published the results of the public consultation on the determination of the Required Income of the National Transmission System of Electricity

For more information click [here](#)

Regulatory approvals for the TRANS ADRIATIC PIPELINE (TAP)

On 05.03.2014 the Regulatory Authority for Energy (RAE) approved the Second Part of the Guidelines for management and allocation of capacity in TRANS ADRIATIC PIPELINE (TAP), the pipeline that will bring Azeri gas to Italy, through Greece and Albania, in compliance with Article 36

par. 6 of Directive 2009/73/EC. To read the full press release of the Decision no. 112/2014 of RAE click [here](#). Moreover, based on the above Guidelines, RAE approved on 12.03.2014 the relevant Invitation for commitment of capacity. To read the full text of the Decision no. 137/2014 click [here](#). It is noted that the three national regulatory authorities of Albania (ERE), Greece (RAE) and Italy (AEEGSI) have announced the approval of the first Compliance Programme proposed by the company TAP AG for TAP. The relevant common press release is available [here](#).

The Competition and Markets Authority (CMA - United Kingdom) has published the Competition Commission's final determination on Northern Ireland Electricity Ltd's price control conditions

The estimated effect of the determination, which involves a major redesign of the previous price control conditions, will be that a domestic customer's annual bill will be reduced by approximately £10 (before adjustments for inflation) by the end of the new price control period in September 2017. To read the full press release of CMA (dated 15.04.2014) click [here](#).

Electronic Communications**Commission approves acquisition of GTS Central Europe by Deutsche Telekom**

The European Commission has cleared under the EU Merger Regulation the proposed acquisition of telecommunications company GTS Central Europe ("GTS") of Luxembourg by rival Deutsche

Telekom ("DT") of Germany. The Commission concluded that the transaction would not raise competition concerns, because the merged entity would continue to face strong competition after the merger and customers would still have sufficient alternative suppliers in all markets affected. To read the full press release of the Commission (**IP 14/450**) click [here](#)

Commission clears acquisition of Eurosport by Discovery

The European Commission has approved under the EU Merger Regulation the acquisition of Eurosport of France, by Discovery of the United States. To read the full press release of the Commission (**MEX/14/0408**) click [here](#).

Hellenic Telecommunications and Post Commission (HTPC) publishes the Greek Trusted Service List pursuant to Directive 1999/93/EC on a Community framework for electronic signatures

The Trusted Service List of each Member State includes a minimum information regarding the supervised/certified certification-service-providers (CSP) issuing qualified certificates to the public, pursuant to the provisions of Articles 3 par. 2 and 3, 7 par. 1(a) of the Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures (OJ L 013, 19.1.2000, p.12). To read the full press release of HTPC click [here](#).

HTPC launches a public consultation on the amendment of the General Licences Regulation

HTPC announced the launch of a public consultation on the amendment of the General Licences Regulation with regard to the international roaming services from an Alternative Roaming Provider. The public consultation is open until 15.05.2014. For more information click [here](#).

French NCA (Autorité de la concurrence) clears subject to remedies, the acquisition of D8 and D17 by Vivendi and Groupe Canal Plus

On 2 April 2014, the Autorité de la concurrence again cleared, subject to several commitments, the acquisition by Vivendi and Groupe Canal Plus of the companies D8, D17, Direct Productions, Direct Digital and Bolloré Intermédia. To read the full press release click [here](#).

Pharmaceuticals

OFT issues decision in care home medicine cartel case

On 20.03.2014 the OFT issued a decision finding that Hamsard 3149 Limited (Hamsard), its subsidiaries Quantum Pharmaceutical Limited (Quantum) and Total Medication Management Services Limited (trading as Tomms Pharmacy - "Tomms"), together with Celesio AG and its subsidiary Lloyds Pharmacy Limited (Lloyds), have infringed competition law by entering into a market sharing agreement in relation to the supply of prescription medicines to care homes in England. To read the full press release

of the OFT (Press release no. 17/14), click [here](#).

Revised EU Guideline on the orphan medicinal products

On 28.03.2014, the European Commission published the revised EU guideline on the format and content of applications for designation as orphan medicinal products and on the transfer of designations from one sponsor to another. For more information click [here](#).

Transport

The Court confirms that the freedom to provide services to maritime cabotage applicable to EU shipowners who have their ships registered in a Member State governs maritime cruise services

According to the Court's Judgment delivered on 27.03.2014, the maritime transport service conducted in the form of a cruise which starts and ends, with the same passengers, in the same port of a Member State is subject to the application of the principle of freedom to provide services to maritime transport within Member States (maritime cabotage). To read the full press release (CJE/14/41) click [here](#).

Commission clarifies EU rules on cabotage and reports on developments in this sector

The European Commission has given new guidance on the interpretation of the regulation to provide cabotage within a Member States, thus providing an internal market for the provision of maritime transport services. With the new guidance competent authorities will

have more legal certainty when awarding public service contracts and imposing public service obligations. Shipowners will also benefit from more legal clarity, allowing them to better organise their business in Europe.

To read the full press release of the Commission (IP 14/453) press [here](#)

Commission clarifies EU rules for public passenger transport by rail and by road

The European Commission has given guidance on EU rules for public passenger transport services by rail and by road. The rules determine how public authorities across Europe may contract for the provision of public transport services by rail, metro, tram or bus, how to award these contracts and how to compensate for public service obligations. The new Guidelines were published in the Official Journal of the European Union on 29.03.2014 (OJEU 29.03.2014, C92, p.1). To read the full press release of the Commission (IP/14/290) click [here](#). A memo on the frequently asked questions is also available [here](#).

World Trade Organization

Trade Defence Instruments: European Commission welcomes EU industry's agreement with China in the polysilicon anti-dumping and anti-subsidy cases.

After China initiated anti-dumping and anti-subsidy investigations on European imports of polysilicon to China in November 2012, the German polysilicon producer Wacker Chemie AG and the Chinese Ministry of Commerce (MOFCOM) announced on 18.03.2014 that an agreement has been found to settle the proceedings

through a price undertaking. The agreement reached between Wacker Chemie AG and MOFCOM consists of a price undertaking, a solution foreseen by applicable WTO rules. To read the full press release of the Commission (IP/14/278) click [here](#).

EU not to pursue the anti-dumping investigation against mobile telecommunications networks from China

On 27.03.2014 the European Commission revised its decision in principle of 15 May 2013 to open an *ex officio* anti-dumping and an anti-subsidy investigation concerning imports of mobile telecommunications networks and their essential elements from China. To read the full press release of the Commission (IP/14/339) click [here](#).

EU challenges Russia in the WTO over pork import ban

The EU launched on 08.04.2014 a case in the World Trade Organisation (WTO) against the Russian ban on imports of pigs, fresh pork and certain pig products from the EU. To read the full press release of the Commission (IP/14/389) click [here](#).

News of the Markets

- The Vice President of the European Commission and Commissioner for Digital Agenda, Neelie Kroes presented, during the Mobile World Congress that was held in Barcelona on 24-27.02.2014, an initiative for the acceleration of the research regarding 5G networks, as well as for the formulation of standards. The

initiative was supported by the world's largest producers of telecommunications equipment (Ericsson, Alcatel-Lucent, NSN), as well as by operators, such as Orange of France. The investment regarding the European research for 5G is estimated to the amount of 3 billion euro, a part of which (700 million) will be covered by the European Union. The amount remaining (2,3 billion) will be covered by the participating companies. The initiative is viewed by the European Commission as an opportunity to be at the forefront of the sector of digital technologies.

- Deputy Minister of Growth has deferred to the HCC the results of a Study showing that the discount super market Lidl pretendently applies in Greece higher prices for various products in comparison with other Member States. To read the full text of the Press Release of the Ministry of Growth click [here](#).
- Since 1st April 2014 the Competition & Markets Authority (CMA - United Kingdom) took over many functions of the Competition Commission and of the Office of Fair Trade. For an overview of the new independent authority click [here](#). In this respect, CMA published an Guidance on its jurisdiction and procedure with regard to the mergers control. The Guidance is available [here](#).
- Vivartia will acquire a further stake of 43% of the milk industry MEVGAL, which will

result to a sole control of the latter by Vivartia possessing in total 57,8% of the capital of MEVGAL. The operation is subject to the authorization of the HCC, the competent competition authority.

- According to press information, the legislative act providing for the closing of the Greek National Television was considered, by the Supreme Administrative Court, to be in line with the Greek Constitution. The interruption of the Greek National Television's operation did not breach the constitutional provisions either, as it was estimated to be of a short duration, pursuant to the Supreme Administrative Court. The Judgement is expected to be published by end May 2014. Pursuant to the same information, the Judgement was based on the assumption that the constitutional provisions regarding the direct control of the state on broadcasting services does not result in the state's obligation to operate a public service broadcasting.
- The Directorate-General for Competition is offering a new digital platform for secure document exchange with its business partners. The platform, called eTrustEx, transfers trusted documents (natively digital or scanned) in a highly secure and efficient way. This digital tool will not only reduce the overall costs of information exchange significantly (i.e. no more registered mail) but will save a lot of time. For more information click [here](#).
- HTPC announced the completion of the public consultation regarding the amendment of the Regulation on the Conditions for the use of individual radio frequencies or zones of radio frequencies (Gaz. 2512/B/7-11-2011).
- The President of HTPC, K. Louropoulos and the two Vice - Presidents, N. Papaoulakis and K. Delikostopoulos presented on 18.03.2014 the Action Plan of HTPC for the year 2014. The full press release of HTPC is available [here](#).
- By virtue of a decision dated 20.03.2014 HTPC completed the tender procedure for the appointment of the rights of use of 3,4-3,8GHz zone radio frequencies. The tender was awarded to OTE, under 2,542 million euros. To read the press release of HTPC click [here](#).
- The Invitation of Expression of Interest (EoI) for the acquisition of a 66% participation in the share capital of the Independent Power Transmission Operator (IPTO S.A.) was published [here](#). Expressions of Interest should be submitted no later than 09.05.2014. It is noted that KLC Law Firm acts as legal advisor of the Public Power Corporation (PPC S.A.) for the privatization of IPTO S.A.
- The fifth EU-US Energy Council met in Brussels on 02.04.2014, chaired by EU High Representative/Vice President Catherine Ashton, EU Commissioner for Energy Günther Oettinger, US Secretary of State John Kerry, and US Deputy Secretary of Energy Daniel Poneman.

Minister Ioannis Maniatis of the Greek Ministry of Environment, Energy and Climate Change represented the rotating EU Presidency. To read the full press release of the Commission (IP/14/365) click [here](#).

- The Greek Government and the German KfW signed the agreement for starting-up of the Hellenic Investment Fund. Initially, the Fund will be budgeted with 200.000.000 euros. The agreement is expected to strengthen the liquidity of the Greek economy. By priority the support of the Fund will be directed to Medium and Small sized enterprises.
- An agreement was reached between the milk industry “Dodoni” and Arthur Schuman, a large productive and commercial firm of the USA, which will assume in an exclusive basis the import and commercialization of the products of Dodoni within the US market.
- The company Protergia SA announced its intention to enter the Greek electricity retail market. Protergia operates three Production Units of a total capacity of 1.200 MW.
- According to the Hellenic Republic Asset Development Fund (HRADF) six submissions of interest have been submitted for the acquisition of a stake of 67% of the Piraeus Port Organization SA. The advisors of the Fund will proceed to the assessment of the submissions and make their proposal to the Fund as per the eligibility of the

interested parties to pass to the next phase of the tender.

- The market of pharmaceuticals go into structural reforming. The two major companies Novartis and GlaxoSmithKline announced agreements of commercial cooperation of a total amount of 14,5 billion euros, which may pave the way for further merger. Meanwhile, it Pfizer keeps trying to acquire the control of AstraZeneca
- According to the data provided by IMS in the Greek market during 2013 a total number of 369,8 million boxes of pharmaceuticals. The 354 undertakings of this sector tableted a decrease of turnover of 10,3%. According to the same source Novartis has a market share of 8,4%, Pfizer comes second with a market share of 7,9%, Sanofi follows with a market share of 7,1%, AstraZeneca holds a total market share of 5,7% and Vianex holds a total share of 5,6%.
- Law 4254/2014 entitled “Measures for the support and development of the Greek economy in implementation of Law 4046/2014 and other provisions” was published in the Governmental Gazette, Issue A’, no. 85. A major part of the provisions of the law deals with the abolishment of unnecessary anticompetitive restrictions on the exercise of various economic activities. The provisions of the Law are, to a large extend, in line with the so-called “toolbox” of the OECD.
- Under the aegis of the Greek Presidency of the Council of the

European Union, the Hellenic Competition Commission organized the European Competition Day, a two-day international conference on competition and state aid law and practice at Zappeion Megaron in Athens, on 10 and 11 April 2014. The event is a forum for the exchange of views on EU competition law and policy and the promotion of competition culture. It takes place in the context of EU's rotating Presidency and is organised customarily by each respective National Competition Authority. Dr. Vassilios Karagiannis attended the

conference on behalf of KLC Law Firm. For more information on the conference click [here](#). The speech given by the Vice President of the European Commission responsible for Competition Policy is available [here](#).

- HTPC launched a public consultation regarding the drafting of a Regulation on the "Access of the Postal Services Providers with Special License to the Postal Network of the Universal Service Provider". The public consultation process is open until 16.05.2014. For more information click [here](#).