

Competition Law Bulletin

From the Editor's Desk...

Dear Reader,

Season's Greetings and best wishes for the New Year 2013.

Competition law, of late, has caught the attention of the corporate. Increasing interest and awareness amongst the key personnel of both the private sector and the public sector, in understanding the finer nuances of competition law, have been visible during the number of seminars and conferences held throughout the year. Of these the one which stands out was the International Conference on "Antitrust in Asia: Developments in India's Competition Regime" organized by the Antitrust section of the American Bar Association, for the first time outside USA, in New Delhi. The Seminar ended on a positive note with the Chairman of the Competition Commission of the India (CCI), Mr Ashok Chawla, expressing a desire to meet the Trade Associations and with the CEOs of India's top 100 companies in January, 2013 to emphasize on competition compliance.

True to his words, the Chairman had an open interactive meeting with Trade Associations including the three Apex Business Chambers ASSOCHAM, FICCI and CII representing various sectors of economy. Besides, CCI has taken other initiatives such as publication of its quarterly journal "Fair Play" and knowledge partnership initiative with premium legal education institutes like NLSIU, Bangalore and NALSAR, Hyderabad, which are indicative of its renewed efforts to augment competition advocacy and capacity building. CCI needs to be complimented for such initiatives.

However, more such proactive efforts are required to infuse a culture of competition compliance amongst corporate as, there is still a reluctance amongst the top management for competition compliance.

The Competition (Amendment) Bill, 2012 has finally seen the light of the day and has been introduced in the Lok Sabha on December 7, 2012. The said Bill is pending discussion in the Parliament. We have brought out the main features of this Bill in our special feature section. We have also captured important international developments in the field of Competition Law.

I hope you will enjoy reading this edition.

Yours truly,

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INDIAN-PERSPECTIVE

SPECIAL FEATURE

A. The Competition (Amendment) Bill, 2012 introduced in Lok Sabha

The Government of India in June, 2011 constituted an expert committee to examine and suggest the modifications in the Competition Act, 2002 ("Act"). After much deliberations the expert committee, has come out with suggestions to amend the Act and thus the Competition (Amendment) Bill, 2012 has been introduced in Lower House of Parliament (Lok Sabha) on December 07, 2012. The salient feature of the bill includes:



- 1) **Definition of turnover (Section 2(y)):** It is proposed to be amended to exclude the taxes levied on sale of goods or provision of services. Turnover is used in the Act primarily for determining thresholds for combination and for imposition of penalties.
- 2) **Definition of 'Group':** To amend sub-clause (i) of clause (b) in the Explanation to Section 5 of the Act, so as to increase the percentage of voting rights from twenty-six per cent, or more to fifty per cent., or more for the purpose of regulation of combinations.
- 3) **Provision of Services in Vertical Agreements:** Explanation relating to prohibited vertical agreements amended to specifically provide for agreements relating to provision of services under Section 3(4) of the Act in relation to tie-in arrangements, exclusive supply agreements, exclusive distribution agreements, refusal to deal and resale price maintenance.
- 4) **Collective Dominance:** Concept of 'collective dominance' introduced in Section 4 of the Act. Until now the Act only deals with the *unilateral* abusive behavior of dominant enterprise or group. The proposed amendment introduced a concept of

'collective dominance' which will deal with the abusive behavior by *one or more* dominant enterprise or group.

- 5) **Different thresholds for different classes of enterprises:** A new Section 5A would be introduced into the Act which provides that in case of Combinations, the Central Government may, in consultation with the CCI, by notification, specify different values of assets and turnover for any class or classes of enterprise.
- 6) **Mandatory reference by statutory authority to CCI and vice versa:** Reference of issues by the Statutory Authority to the CCI and CCI to the Statutory Authority to be made mandatory.
- 7) **CCI to issue inquiry orders only after hearing the concerned parties; provision for appeal to Competition Appellate Tribunal:** The inquiry procedure in relation to anti-competitive agreements and abuse of dominant position set out in Section 26(7) and Section 26(8) of the Act is proposed to be amended to provide that in cases where CCI proposes to cause further investigation or inquiry into a matter, such a decision shall be taken by CCI after hearing the concerned parties. By an amendment to Section 53A (1) of Act, such a decision made by CCI regarding a further inquiry is proposed to be appealable to Competition Appellate Tribunal ("COMPAT").
- 8) **Provision for Penalty Hearing:** No penalty shall be imposed by the CCI without giving an opportunity of being heard to the concerned enterprise.
- 9) **Period for CCI's approval to combinations:** Time period for CCI to decide on combinations would come to 180 days from 210 days.
- 10) **Power of Director General to search and seize:** Powers to Chairman of CCI to allow Director General to carry out search and seizure. The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizure shall apply.

(Source: The Competition (Amendment) Bill, 2012 (Bill No. 136 of 2012) as introduced in Lok Sabha on December 07, 2012)

B. Combinations: CCI provides guidance on treatment of non-compete clause/ obligations in commercial agreements

Facts of the Case

1. Recently, CCI has approved a proposed sale by Orchid Chemicals and Pharmaceuticals Ltd ("OCPL") of its certain assets to Hospira Healthcare. Under the deal, OCPL has agreed to sell its Betaculum API (Active Pharmaceutical Ingredients) business along with its manufacturing facilities, as also another manufacturing facility in Aurangabad and an R&D facility in Chennai to Hospira Healthcare India Pvt Ltd ("HHIPL"), a 100 per cent., subsidiary of US-based Hospira Inc.
2. The Business Transfer Agreement ("BTA") contained a non-compete clause restricting OCPL and its promoters to undertake certain business activities pertaining to the "transferred business" for a period of eight years and five years, respectively, including conducting certain R&D activities. The parties to the Combination, in this regard, submitted that it is a standard industry practice to incorporate a non-compete clause(s) in business transfer agreement(s) as these are generally considered necessary for the effective implementation of the proposed combination and allows the acquirer to obtain full value from the acquired assets.

Order of CCI

3. CCI while allowing such non-compete clause to be there in the business transfer agreement observed that it expects non-compete obligations, if deemed necessary to be incorporated in deals, to be "reasonable" in terms of duration, business activities, geographic areas and persons being subjected to such obligations and restraint should not result in appreciable adverse effect on competition in India. Parties to the Combination were asked to provide justification for the duration of non-compete clause and other restrictive conditions.

4. OCPL and HHIPL under Regulation 19(2) of the Combination Regulations offered to modify the terms of BTA as under:
 - (a) To limit the duration of non-compete obligation (defined as Restricted Period in the BTA) to four years in relation to domestic market in India, and;
 - (b) To provide in the BTA that OCPL shall be allowed to conduct research, development and testing on such new molecules which would result in the development of new Penem (including Carbapenem) and Penicillin APIs for injectable formulations which are currently nonexistent worldwide.
5. The CCI accepted the modifications suggested by the OCPL and HHIPL and directed the parties to incorporate the same in the BTA and directed to submit the amended copy of BTA along with relevant documents within three months from the date of the Order.

(Source: Competition Commission of India Order dated December 21, 2012).

CCI passes orders for closure of certain matters

CCI has passed orders in 196 cases of Information's filed under Section 3 and 4 of the Act and 21 cases of investigations transferred from the erstwhile Director General of Investigation & Registration (DGIR). The full texts of the said orders are duly displayed on CCI website www.cci.gov.in.

CCI approves twenty more 'Combinations' within 30 days



Keeping its promise of fast track disposal of merger regulations, CCI has approved 15 more Combinations between October 2012 – December 2012, within 30 days from the date of filing of Notice under the Combination Regulations, 2011 holding in each case that the proposed 'Combination' was not likely to cause an appreciable adverse effect on competition in the relevant markets in India. Overall, since June, 2011 till date, CCI has approved 100 combinations. Full Text of the Orders can be viewed on the CCI website www.cci.gov.in.

Media Updates

Atos moves CCI against US-based VeriFone

Atos Worldline (India), an international information technology services company, filed Information (complaint) against US-based electronic payments company, VeriFone Systems Inc. before CCI under Section 3 and 4 of the Act. VeriFone manufactures point-of-sale (POS) machines that are used to swipe credit and debit cards at shops and restaurants. Atos alleged that VeriFone is not supplying the software upgrade code, which is required for software upgrades to machines that are in use. Atos also alleged that VeriFone wants companies to sign a contract whose terms are unfair and restrictive in nature.



(Source: Live mint, October 04, 2012)

Conflict over anti-competitive norms in power sector

CCI has showed concerned about power sector regulator, Central Electricity Regulatory Commission ("CERC"), issuing norms on keeping a tab relating to anti-competitive practices in the domestic power sector which may leads to overlap of jurisdiction. The issue relates to the draft regulations for prevention of adverse effect on competition in the power sector issued by the CERC. The draft norms were prepared on the basis of Electricity Act, 2003, that allows CERC to look at anti-competitive issues in the power sector.



(Source: The Economic Times, October 16, 2012)

COMPAT issue notice to Yash Raj Films; No interim relief grant

In an appeal filed against the Order of CCI in *Ajay Devgn Films v Yash Raj Films Pvt. Ltd. & Ors.* (Case No. 66/2012), the COMPAT by an order dated November 8, 2012, refused to stay the screening of movie "Jab Tak Hai Jaan" produced by Yash Raj Films but issued notices to Yash Raj Films and CCI on Ajay



Devgn's plea that alleged abuse of dominant position by Yash Raj Films. Earlier, CCI rejected the complaint filed by Ajay Devgn Films against Yash Raj Films for alleged abuse of dominant positions. CCI found that the agreements entered between Yash Raj Films and single screen theatres were not anti-competitive in nature. Ajay Devgn Films alleged that during the release of Salman Khan-starrer "Ek Tha Tiger", which was release on August 15, 2012, Yash Raj Films and its distributors had taken an undertaking from single screen theatres that they would also exhibit the Yash Raj banner movie "Jab Tak Hai Jaan" during Diwali. It was also laid down that any single screen theatre which did not agree to exhibit "Jab Tak hai Jaan" would not get to screen the movie "Ek Tha Tiger".

(Competition Appellate Tribunal Order dated November 08, 2012)

Prasar Bharati files complaint against TAM

Prasar Bharati has filed Information (complaint) with CCI alleging Television Audience Measurement (TAM) of abusing its dominant position by providing inaccurate representation of data on Doordarshan's coverage. TAM India is a joint venture between Nielsen and Kantar Media. Prasar Bharati further alleged that TAM is restricting the market by not carrying out technological advancement and thereby abusing their dominant position.



(Source: The Economics Times Nov 18, 2012)

National Mineral Development Corporation (NMDC) under CCI scanner

Sponge Iron Manufacturers Association ("SIMA") have filed Information with CCI on the appointment of SAIL chairman Mr. CS Verma as the head of NMDC, as they claim it has triggered "issues of conflict". SIMA alleged that the price of sponge iron has risen by 13 % after Mr. CS Verma assumed charge of NMDC. SIMA further stated that Mr. CS Verma holding charge of both SAIL and NMDC may kill the competitiveness of other steel firms operating in the market, which are also the competitor to SAIL.

(Source: The Financial Express, November 29, 2012)

All India Motor Transport Congress under CCI scanner for freight rigging

CCI has directed an investigation against the alleged role of All India Motor Transport Congress ("AIMTC"), the largest association of transporters, for directing its members to increase freight charges by 15% soon after diesel price was raised by Rs. 5 per liter in September, 2012. Indian Foundation for Transport Research and Training (IFTRT), who is the Informant in the matter, alleged that AIMTC indulged in "similar" practice of concerted freight hike whenever there was a hike in diesel price. It was also mentioned in the Information that a "cease and desist" order was also passed by the erstwhile MRTPC in 2006 on the same issue.



(Source: The Times of India, November 29, 2012)

CCI orders investigation against PSU general insurers

CCI has initiated a suo motu investigation against the four states-owned general insurers, New India Assurance, United India Insurance, Oriental Insurance and National Insurance Company for possibility of indulging in cartelization. CCI has taken a suo motu cognizance of the matter when an advisory was sent out by the financial services department (Ministry of Finance) to the four general insurers, relating to fixing tariffs.



(Source: Hindustan Times November 30, 2012)

CCI investigating unfair practices in stem cell market

CCI has initiated an investigating against hospitals and stem cell banks for indulging in unfair business practices which restrict parents from preserving a new born's stem cells at stem cell banks



of their choice. These cells, which can help in treating a variety of diseases, are generally taken from cord blood and bone marrow. It has been alleged by the Informant that parents are asked to keep the stem cells at a particular bank with which the hospital has a tie-up. According to the Informant, such practice is anti-competitive and restricts available choices.

(Source: The Business Standard dated December 09, 2012)

COMPAT: CCI can't have "untrammelled and uncontrolled discretion"

COMPAT by way of an order dated December 14, 2012 in *Eastern India Motion Picture Association & Ors. v. Ms. Manju Tharad & Ors.*, held that the competition law is not meant to give CCI "untrammelled and uncontrolled discretion" to ask for any information from anybody during the course of an investigation, without giving any reason as to why such direction was found necessary on the part of the CCI. COMPAT gave its observations on an appeal filed by five people on whom the CCI had imposed a fine of ₹ 25,000 per day for non-furnishing of information. COMPAT further held that "We have not found any such application of mind and it seems that the direction was given as a matter of course. In the absence of any reason, as to why such directions were necessary, we are unable to agree with the Commission in spite of its finding of breach of its directions under Section 36(4)(a) and (b) and the resultant penalty under Section 43".

(Source: Competition Appellate Tribunal Order dated December 14, 2012)

COMPAT DECIDES PENDING MRTP MATTERS

COMPAT continues to decide the pending cases under the repealed MRTP Act. As per information received from the COMPAT, it had disposed of 2009 cases till December 31, 2012 as per details below:

RTP cases	305
UTP cases	926
Compensation cases	765
MTP cases	09

INTERNATIONAL NEWS

European Union

European Commission (EC) sends Statement of Objections to Microsoft on non-compliance with browser choice commitments

EC had sent Statement of Objections to Microsoft informing on its failure to comply with its commitments to offer users a choice screen enabling customers to choose their preferred web browser. In January 2009, EC sent Microsoft a Statement of Objections, outlining its preliminary view that Microsoft had abused its dominant position in the market for client PC operating systems through the tying of Internet Explorer to its operating system, Windows. Following this, Microsoft committed to make available for five years (i.e. until 2014) in the European Economic Area (EEA) a "choice screen" enabling users of Windows to choose in an informed and unbiased manner which web browser(s) they wanted to install in addition to, or instead of, Microsoft's web browser. In its Statement of Objections, EC took the preliminary view that Microsoft has failed to roll out the browser choice screen with its Windows 7 Service Pack 1, which was released in February, 2011. From February 2011 until July 2012, millions of Windows users in the European Union (EU) may not have seen the choice screen. Microsoft has acknowledged that the choice screen was not displayed during that period.

(Source: European Commission: Press Release dated October 24, 2012)

Nexans, Prysmian win court bid against EU Cable cartel raids

In its twin judgment, the European General Court (the "General Court") provided insight into the vexed question as to how far a competition authority can go when it carries out a "dawn raid" of business



premises during a cartel investigation. The judgments confirm that EC is not entitled to go on a "fishing expedition" when conducting a dawn raid. It must limit its inspection to activities where there is a suspicion of infringement. It cannot use the opportunity to search premises for documents relating to all company activities.

(Source: Bloomberg News dated November 14, 2012)

EC fines producers of TV and computer monitor tubes € 1.47 billion for two decade-long cartels



EC fined seven international groups of companies including LG Electronics, Philips and Samsung SDI, Panasonic, Toshiba, MTPD (currently a Panasonic subsidiary) and Technicolor (formerly Thomson), a total of €1.47 billion for participating in either one or both of two distinct cartels in the sector of cathode ray tubes ("CRT"). For almost ten years, between 1996 and 2006, these companies fixed prices, shared markets, allocated customers between themselves and restricted their output. One cartel concerned colour picture tubes used for televisions and the other one color display tubes used in computer monitors. The cartels operated worldwide.. Chunghwa received full immunity from fines under the EC's 2006 Leniency Notice for the two cartels. Other companies received reductions of their fines for their cooperation in the investigation under the EC leniency program. EU Commissioner Joaquín Almunia said: "These cartels for cathode ray tubes are 'textbook cartels': they feature all the worst kinds of anticompetitive behaviour that are strictly forbidden to companies doing business in Europe. (Source: European Commission: Press Release dated December 05, 2012)

European Court of Justice (ECJ) upheld EC judgment in the AstraZeneca case



ECJ dismissed an appeal brought by AstraZeneca against the order of EC in 2005. EC in 2005 had fined AstraZeneca €60 million for abusing its

dominant position relating to its best-selling anti-ulcer medicine Losec. ECJ ruled for the first time on a EC decision on the abuse of a dominant market position in the pharmaceutical sector. The judgment is significant as it gives guidance on definition of relevant market and it confirms that misuses of regulatory procedures can in certain circumstances constitute abuses of a dominant position.

(Source: European Commission: Press Release dated December 06, 2012)

EC welcomes General Court judgment in Electrabel case

EC welcomes judgment by the General Court which fully dismissed Electrabel's appeal



of an EC decision of June, 2009 fining Electrabel €20 million for acquiring control over Compagnie Nationale du Rhône without prior approval under the EU Merger Regulation. This is the first time that an EU court rules on a EC decision to impose a fine for implementing a concentration of EU dimension without prior notification to and approval by the Commission.

(Source: European Commission: Press Release dated December 12, 2012)

EC accepts commitments from International Publishers and Apple for sale of e-books

EC adopted a decision that renders legally binding commitments offered by Apple and four international publishers including, Simon & Schuster, Harper Collins, Hachette Livre and Verlagsgruppe Georg von Holtzbrinck. EC had



concerns that these companies may have contrived to limit retail price competition for e-books in the EEA.. To address these concerns, the companies offered in particular to terminate on-going agency agreements and to exclude certain clauses in their agency agreements during the next

five years. The publishers have also offered to give retailers freedom to discount e-books, subject to certain conditions, during a two-year period. Pearson Plc's Penguin group, which is also under investigation, was not part of this settlement.

(Source: European Commission: Press Release dated December 13, 2012)

Others

Australia: Federal Court penalizes company over resale price maintenance



The Federal Court (Melbourne) imposed penalty of \$90,000 on Eternal Beauty Products Pty Ltd and its Director engaging in resale price maintenance for a period of 9 months through a

series of telephone and email communications attempting to stop two online retailers discounting its products on their websites amounting to Resale Price maintenance.

(Source: Australian Competition & Consumer Protection: Press Release dated October 22, 2012)

Australia: Air-freight cartel penalties reaches \$100 million mark



The Federal Court has ordered Thai Airways International Public Company to pay \$7.5 million in penalties for its part in a global air-freight cartel, taking the amount to \$ 100 million and includes airlines

like Qantas, Cathay Pacific, and Singapore Airlines in Australia.

(Source: Australian Competition & Consumer Protection: Press Release dated December 17, 2012)

Belgium: The Belgian Competition Council imposes a fine on bpost for abuse of dominance:

The Belgian Competition Council condemned bpost for a rebate system called "model per sender" which was applied from January 2010 until July 2011. Bpost gave

rebates in the context of the contracts it entered into with large clients (such as for example banks or companies active in sales by correspondence) and with intermediaries. The rebates awarded were either based on the volume of the mail (quantitative rebates) or on the degree to which the mail was prepared for further treatment by bpost. The Council's decision concerns mainly the quantitative rebates. Some of these rebates were considerable, going up to 50 of the basic tariff for a specific type of mail. The Council imposed a fine of €37.399.786 million on bpost for the abuse of its dominant position on the postal market.

(Source: Belgian Competition Council, Press Release dated December 10, 2012)

Canada: Air Canada and United Continental reached an agreement with Competition Bureau over proposed joint venture and alliance agreements

The Competition Bureau has reached an agreement with Air Canada and United Continental that will protect



consumers and preserve competition on 14 key, high-demand air passenger routes between Canada and the United States. In June 2011, the Commissioner of Competition filed an application with the Competition Tribunal seeking to block the joint venture and to undo certain provisions within existing coordination agreements between Air Canada and United Continental. Under the terms of the Consent Agreement filed with the Competition Tribunal the airlines are prohibited from:

- coordinating their prices;
- coordinating the number of seats available at each price;
- pooling revenue or costs; and



- Sharing commercially sensitive information.

(Source: Canada Competition Bureau Press Release dated October 24, 2012)

Czech Republic: Cartel in waste disposal sector fined nearly CZK 96.579 million



Office for the Protection of Competition imposed by its first-instance decision a fine amounting to CZK 96.579 million (approximately €3,825,000) on seven companies. The Office detected the cartel by its

own investigation and launched administrative proceeding with companies ASA, SITA and van Gansewinkel in September 2010. In 2011, company AVE was added to the proceeding. During the course of investigation, the Office found out that between 2007 and 2011 (SITA and van Gansewinkel only between 2008 and 2010) the parties had shared their customers through mutual contacts and information sharing, particularly by coordinating their bids for public tenders for waste disposal or road maintenance.

(Source: Czech Republic Competition Authority, Press Release dated December 19, 2012)

France: French Competition Authority fines Orange and SFR a total of €183 million



Following a complaint filed by Bouygues Télécom, the French Competition Authority imposed fines on France Télécom, Orange France and SFR a total of €183.1 million for implementing anti-competitive practices in the

mobile telephony sector, by marketing unlimited 'on net' offerings, that is, by giving their subscribers unlimited calls to interlocutors that were subscribers of the same network.

(Source: Autorité de la concurrence: Press release dated December 13, 2012)

French rail operator fined €60.9 million euros for abusing dominant position

In a complaint, filed by Euro Cargo Rail in 2009, French Competition Authority has fined SNCF €60.9 million, a rail operator, for abusing its dominant position in taking various actions preventing or delaying the entry of new operators into the rail freight market. The Authority found that SNCF used commercially confidential information from its competitors to provide information to the French infrastructure operations undertaken by SNCF for Réseau Ferré de France (RFF – French Rail Network), and for preventing its competitors by a number of means from obtaining the access to capacity necessary for their business. The authority also warned SNCF against predatory pricing at rates lower than their costs incurred.



(Source: Autorité de la concurrence: Press release dated December 18, 2012)

Spain: Spanish Competition Authority (CNC) fines trade associations and companies

1. On December 20, 2012, CNC levied fines of nearly €120 million on three mobile network operators i.e. Telefónica, Vodafone and Orange for abusing their position in the wholesale telephone short messaging markets.
2. CNC levied fines on three trade associations of producers of wine with the Valdepeñas and Castilla-La Mancha denominations of origin of more than €1 million for information exchange & price fixing.
3. CNC has levied fines of more than €9 million on four companies for organising a cartel in the archive

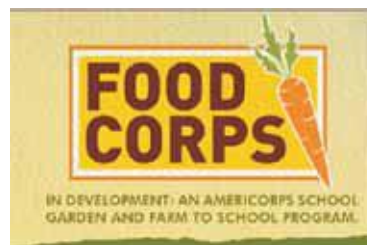


material manufacturing, distribution and marketing sector.

4. CNC has levied a fine on Asociación Nacional de Fabricantes de Conservas de Pescados y Mariscos de España (ANFACO) of €2.11 million for coordinating purchases of Galician mussels.
5. CNC has fined Mazda Automóviles de España, S.A. (MAZDA) €181,856 for restricting the provision of repair and maintenance services by independent workshops, as well as the use of spare parts and access to technical information required for the maintenance and repair of Mazda vehicles in Spain.
6. CNC has fined Alcalá de Henares Bar Association €20,000 for obstructing competition in the exercise of the legal profession.

(Source: Press Release: Spanish Competition Authority)

South Africa: Competition Commission settles milling case with Foodcorp



The Competition Commission has reached a settlement with Foodcorp of two separate cartel cases in which it admits to colluding in the pricing of wheat flour

and maize meal. Foodcorp has agreed to pay an administrative penalty of R88 500 000.00 which amounts to 10% of the affected turnover of its 2010 milling division. The settlement was confirmed by the Competition Tribunal on 12 December 2012. Foodcorp admits that it has contravened the Act, in that during the period between 1999 and 2007 it was represented in a series of meetings between it and its competitors at which agreements were reached to fix selling prices of both milled white maize as well as milled wheat products and the implementation dates of such price increases. This is conduct already admitted to by Premier Foods, Tiger Brands and Pioneer Foods.

(Source: Competition Commission of South Africa: Press Release dated December 13, 2012)

United States: US DOJ files lawsuit against eBay Inc. over agreement not to hire Intuit Inc. employees

The US Department of Justice ("DOJ") filed a civil antitrust lawsuit against eBay Inc., alleging that it violated US antitrust laws when it entered into an agreement not to recruit or hire Intuit Inc.'s employees. DOJ said that the agreement eliminated a significant form of competition to the detriment of affected employees who were likely deprived of access to better job opportunities and salaries. Recently, on September 24, 2012, Adobe Systems Inc., Apple Inc., Google Inc., Intel Corp., Intuit Inc. and Pixar settled with the DOJ concerning allegations in a civil antitrust complaint that they had entered into non-solicitation agreements involving their highly-skilled employees.

(Source: US DOJ Press Release dated December 13, 2012)

Seminars and Conferences

MM Sharma participated in the following Conferences/Seminars, as a speaker:

Addressed a Session on

- "Blowing the Whistle on Cartels – Leniency Programme" in CCH-Wolters Kluwer India's 3rd Competition Law Summit, 2012 at Mumbai.
- "Three years of CCI: Successes and Challenges" in a Seminar on "Competition Law Enforcement and Business Strategy" organized jointly by the PHD Chamber and CIRC- CUTS at New Delhi.



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