

Annual Report 2024

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Preface

Dear Reader,

I am delighted that you're interested in reading about competition in Austria.

Competition ensures affordable prices, drives innovation, guarantees a diverse range of products and services, and serves as a key engine of both European and national competitiveness. In 2024, the Federal Competition Authority once again actively contributed to fostering positive market developments in Austria.

Bid rigging is detrimental to taxpayers. Collusion is not an especially new phenomenon, but in recent years the AFCA has become very good at tracking it down. Accordingly, more such cases are hitting the headlines. For example, the AFCA took successful legal action in the construction industry, and in sectors such as public opinion research, carpentry and facade construction, securing judgments and the imposition of fines at the Cartel Court. The fines flow into the general federal budget and thus relieve the public sector. In collaboration with the Federal Bureau of Anti-Corruption, the AFCA launched an education campaign at municipality authority level to strengthen compliance in this area. In addition, in 2024 the AFCA developed and published a checklist for public tenders together with eight regional Courts of Audit.

We live in times of geopolitical upheaval. Europe is struggling with high energy costs that hinder our ability to compete. Therefore, my team and I are especially focused on stimulating competition in the energy markets and combating anti-competitive practices. The AFCA sector inquiry into the district heating industry – launched in 2024 – is now in full swing. Our joint task force on the gas and electricity markets with the E-Control, the Austrian government's gas and electricity markets regulator, has continued its successful work. The AFCA is also benefiting from better enforcement options thanks to the Federal Act to Mitigate the Consequences of the Crisis and Improve Market Conditions for Dominant Energy Suppliers, which was unanimously adopted by the Austrian parliament in 2024. We have initiated relevant investigations.



Dr. Natalie Harsdorf, LL.M.
Director General for
Competition

In 2024, the AFCA continued to support entrepreneurs in assessing competition law issues. This service made it possible to clarify the relevance of certain matters in advance and to benefit from the Authority's expertise. It is very important to me to allow smooth business and avoid unnecessary red tape.

Through merger control, the AFCA was able to secure commitments that strengthen Austria as a business location by fostering the emergence of new competitors, thereby safeguarding competition and innovation capacity. In doing so, the AFCA addressed the numerous concerns expressed in particular by SMEs with regard to various mergers.

For every euro spent, the AFCA's work returned € 5.27 to the federal government's coffers in 2024. In addition, our activities provide macroeconomic benefits to the entire economy as well as for consumers. Thank you for continuing to support our work.

Director General for Competition

A handwritten signature in grey ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

Contents

Preface	1
1 This was the Year 2024	7
2 The Austrian Federal Competition Authority	8
2.1 What are the Main Objectives?	8
2.2 What Tasks and Instruments does the Austrian Federal Competition Authority have, in particular to Achieve the Objectives?.....	9
3 European Cooperation	10
3.1 Cooperation with the European Commission.....	10
3.2 Cooperation within the European Network of Competition Authorities – European Competition Network, ECN.....	10
4 International Cooperation	12
4.1 United Nations Conference on Trade and Development (UNCTAD).....	12
4.2 Organisation for Economic Cooperation and Development (OECD).....	13
4.3 International Competition Network (ICN).....	14
5 National Cooperation	15
5.1 The Federal Cartel Prosecutor.....	15
5.2 The Competition Commission.....	16
6 Outcome Orientation	18
Targets for the Year 2024.....	18
7 Budget and Staff	20
7.1 AFCA's Budget Development.....	20
7.2 Revenue from Fines and Fees.....	22
7.3 Staff in Figures.....	22
7.4 AFCA Introduces a Modern Organisational Structure.....	25
7.5 Organisational Staff Development in the AFCA.....	27
7.6 Global Competition Rating	29
7.7 Quality Management and Professional Development	30

8 Phone Service – Complaint Management Restructured	31
9 Dawn Raids	32
10 Whistleblowing System	33
11 Leniency Program	35
12 Prosecution of Cartels	36
12.1 Construction Cartel: Proceedings 2024	36
12.2 Other cartels	38
13 Abuse of Dominance	39
14 Sector Inquiries	40
15 Mergers	41
15.1 National Mergers	41
15.2 EU Mergers	42
15.3 Pre-notification Procedures	42
15.4 Notification Requirement for Mergers	43
15.5 Merger Statistics	43
15.6 Prohibited Transactions or Incorrect/Misleading Information in Merger Proceedings	43
15.7 Judicially Examined Mergers and Mergers Approved Subject to Conditions	44
16 Further Competences of the AFCA	46
16.1 Proceedings under the Fair Competition Conditions Act	46
16.2 Unfair Competition Practices	46
16.3 Preliminary Contract Reviews Pursuant to §§ 6 et seq. of the Austrian Federal Broadcasting Act (ORF-G)	47
16.4 Legal Amendment Enables Effective Competition Monitoring	48
16.5 Consultations with AFCA	48
17 Competition Advocacy	49
17.1 Cartel Law Moot Court 2024 – Happy 10 Years!	49
17.2 Eight Independent Austrian Authorities Enter into an Agreement on a Joint Digitalisation Network	50

17.3 Compliance Compass: AFCA and FBAC Seminar for Municipalities on Cartel and Corruption Prevention in Public Procurement.....51

17.4 AFCA and Eight Regional Courts of Audit Join Forces to Uncover Cartels in the Public Sector Tendering and Present Checklist for Contracting Authorities: Prevention and Recognition of Collusion.....53

17.5 AFCA, the Austrian Institute of Economic Research and Vienna University of Economics and Business Hosted a Meeting on Competition, Fairness and Change.....56

18 Comments on Legislative Projects.....58

19 Annex.....59

19.1 Key Recommendations of the Competition Commission (CoCo) 2024.....59

19.2 File Accrual in 2024.....64

19.3 Fining Decisions in Austria in the Last Five Years.....65

20 List of Abbreviations.....68

1 This was the Year 2024



1 Dawn
raid



3 Leniency
requests



3 Sector
inquiries



5 Competition-
related events



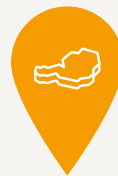
7 Mergers cleared
with remedies



94 Whistleblowing
reports



346 EU mergers
examined



352 National
mergers
examined



22 Cartel Court
applications



41 Mio.

Fines imposed by the Cartel Court

2 The Austrian Federal Competition Authority

The Austrian Federal Competition Authority is a monocratically organized enforcement and investigative authority. The authority is run independently and autonomously by the Director General for Competition. Its independence is established under national statutory law (WettbG) and under EU law (EU RL 2019/1).

2.1 What are the Main Objectives?

- ensuring functioning competition in Austria
- eliminating competition distortions and restrictions
- preventing market concentration through efficient merger control
- preventing violations
- competition advocacy

The legal bases for achieving these goals are found in the Cartel Act and the Competition Act, the Fair Competition Conditions Act, the prohibition of cartels under Art 101, the prohibition of abuse of market power under Art 102 of the TFEU, as well as the EU Merger Control Regulation (ECMR).

2.2 What Tasks and Instruments does the Austrian Federal Competition Authority have, in particular to Achieve the Objectives?

- investigations (dawn raids, interrogations, requests for information)
- conducting sector inquiries
- examination of mergers
- enforcement of the prohibition of cartels and abuse of dominant market position
- advocacy: organization of various events with different institutions; exchange programs and bilateral meetings with “sister agencies”; publication of guidelines, position papers, and communication efforts for information and awarenessraising
- applications to the Cartel Court
- conducting competition monitoring
- asserting claims for injunctive relief under the Unfair Competition Act before civil courts
- standing to bring actions under the Platform-to-Business Regulation (P2B Regulation)
- providing administrative assistance to courts and administrative authorities as well as to the European Commission and competition authorities of other EU Member States
- participation in the preliminary examination of contracts pursuant to § 6 of the Austrian Broadcasting Corporation Act (ORF Act) when the ORF intends to introduce a new offering
- proceedings under the Fair Competition Conditions Act
- monitoring of interbank fees
- new from 2024: federal act to mitigate the consequences of the crisis and improve market conditions for dominant energy suppliers
- new from 2024: access to nonpublic data as part of competition monitoring

3 European Cooperation

3.1 Cooperation with the European Commission

Enforcement of European rules of competition in Austria comprises two main aspects. On the one hand, the national competition authorities directly enforce the competition rules under Union law. On the other hand, the national authorities assist the European Commission in its investigative actions in the course of the procedures carried out by the Commission (Directorate General for Competition) in application of Union law and are entitled to contribute their experience in these procedures. In addition, there is ongoing and close cooperation, combined with a regular exchange of experience and information and the development of best practices within the framework of Regulation 1/2003 in order to ensure coherence in the decentralised application of Union law in the context of the network of competition authorities, known as the European Competition Network (ECN).

3.2 Cooperation within the European Network of Competition Authorities – European Competition Network, ECN

Pursuant to § 3 (1) of the Competition Act, the AFCA is the competent authority in Austria for implementation of the European rules of competition in Austria. Its more detailed tasks and powers originate in particular from its resulting position as a national (administrative) and independent competition authority within the meaning of Article 35 of Regulation 1/2003 and Article 2 (1) 2 of Directive 2019/1.

Directly to this end and in order to further support enforcement, the Commission and the competition authorities of the EU Member States jointly form a network of authorities that work together closely to protect competition (ECN). The ECN is a forum for discussion and cooperation on the application and enforcement of the EU rules of competition. It establishes a framework for cooperation between European competition authorities in cases where Articles 101 and 102 of the TFEU are applied.

Pursuant to Article 5 (2) of Directive 2019/1, this close cooperation within the framework of the European Competition Network in order to ensure the effective and uniform application of Articles 101 and 102 TFEU is one of the core tasks of the independent national competition authorities. Independence in the sense of freedom from instructions and from any political and other external influence, and adequate resources, are among the minimum standards according to the Directive.

Within the European Network, the AFCA has participated in the following working groups in 2024:

Table 1: European Competition Network Working Groups 2024

ECN Working Group	
Directors General Meeting	ECN Plenary Meeting
ECN Cooperation Issues and Due Process Working Group	ECN Cartels Working Group
ECN Merger Working Group	Chief Economist Working Group
ECN Digital Working Group	ECN Digital Investigations and Artificial Intelligence Working Group
ECN Art. 101 Working Group	ECN Art. 102 Working Group
ECN Banking and Payments/Financial	ECN Pharma & Health Working Group
ECN Environment Working Group	ECN Telecom Subgroup
ECN Food Subgroup	ECN Energy Subgroup
ECN International	ECN Transport

3.2.1 20 Years European Competition Network – Happy Birthday!

The AFCA, national competition authorities from across the European Union and the European Commission were celebrating the 20th anniversary of the European Competition Network in 2024.

Happy Birthday European Competition Network



Looking back at the work of the past 20 years, the figures speak for themselves. Between May 2004 and December 2023, the national competition authorities issued more than 1,700 decisions based on Article 101 and/or Article 102 of the TFEU.

4 International Cooperation

International cooperation between competition authorities is an important instrument for detecting and eliminating violations of antitrust law and abuses of market power. Whether in the cases of transnational offences, when joint investigations are required, in the cases of mergers involving several countries, or concerning the exchange of best practices.

4.1 United Nations Conference on Trade and Development (UNCTAD)



The UNCTAD Intergovernmental Group of Experts on Competition Law and Policy (IGE) met from July 3rd to 5th, 2024, in Geneva. Topics discussed included current issues such as the enforcement of competition law in relation to digital markets and ecosystems, competition law and poverty reduction, as well as recent developments in merger control standards.

In addition, detailed reports were presented on the progress of the working group on crossborder cartels, including bid rigging. The corresponding mandate was extended. Furthermore, thematic priorities were adopted for the 9th United Nations Conference to review all aspects of the set of multilaterally agreed equitable principles and rules for the control of restrictive business practices in 2025. These include, among others, maximizing synergies between competition law and consumer protection, competition law and global food value chains, and investigative techniques in the digital age.

Further information can be found at:

<https://unctad.org/meeting/intergovernmental-group-experts-competition-law-and-policy-twenty-second-session>

4.2 Organisation for Economic Cooperation and Development (OECD)

A key forum for discussing competition policy issues is the Organisation for Economic Cooperation and Development (OECD), through its Competition Committee and its two working parties, “Competition and Regulation” and “Cooperation and Enforcement.”



These forums provide a regular platform for mutual exchange on relevant competition law matters. The AFCA actively participates in these discussions with both written and oral contributions. Most recently, the AFCA contributed to topics such as artificial intelligence, data and competition, intersection between competition and data privacy, the relationship between competition and democracy, competition in the food supply chain, and the standard and burden of proof in competition law cases.

The Competition Committee and its working parties meet twice a year in Paris. Once a year, alongside the meeting of the Competition Committee, the Global Forum on Competition is held with an expanded group of participants. Within this framework, OECD members engage in dialogue and share experiences with more than 110 delegates from around the world.

Director General Natalie Harsdorf was unanimously elected as Chair of the OECD Working Party on Competition and Regulation in October 2024. She assumed this role on January 1st, 2025, becoming the first Austrian to hold this position.

Further information on these topics is available at:

https://www.oecd.org/en/publications/oecd-roundtables-on-competition-policy-papers_20758677.html and

<http://www.oecd.org/competition/globalforum/>.

4.3 International Competition Network (ICN)



Founded in 2001 by 14 competition authorities and now expanded to over 130 member authorities, the International Competition Network (ICN) offers competition authorities around the world an informal, project-oriented network to intensify their cooperation in questions of the application of antitrust law, with the involvement of civil society. The 23rd Annual Conference of the ICN took place from 14th to 17th May 2024 in Brasil.

The wide range of topics included cartel enforcement in new markets, the interaction between global markets and the agricultural and food sectors, theories of harm related to innovation and potential competition, as well as current trends and challenges in the area of unilateral conduct.

5 National Cooperation

5.1 The Federal Cartel Prosecutor

In addition to the AFCA, as a further official party for proceedings before the Cartel Court, the Federal Cartel Prosecutor was established in July 2002, who is bound by instructions and reports to the Federal Minister of Justice. Since 1st September, 2020, the position of Federal Cartel Prosecutor has been held by Heinz Ludwig Majer MBA. The Federal Cartel Prosecutor has two deputies and one legal assistant.

The Federal Cartel Prosecutor is responsible for representing the public interests in matters of competition law, and has the right to file petitions before the Cartel Court. Unlike the AFCA, however, he/she has no investigative powers. This arrangement takes into account the legislator's intention to avoid duplications. Both the Competition Act and the Cartel Act provide for close cooperation between the official parties not only but especially in the area of merger control. Particularly noteworthy is the role of the Federal Cartel Prosecutor in the interaction between cartel law and criminal law pursuant to § 209b of the Code of Criminal Procedure (StPO). In this area, the AFCA works in close cooperation with the Federal Cartel Prosecutor as well.

At the invitation of the AFCA, the Federal Cartel Prosecutor, Mag. Majer, once again participated as a jury member in the Cartel Law Moot Court in 2024.

The annual report on the activities of the Federal Cartel Prosecutor can be accessed on the website of the Federal Ministry of Justice.

Further information (only available in German): <https://www.justiz.gv.at/justiz/justizbehoerden/bundeskartellanwalt.36c.de.html>

5.2 The Competition Commission

The Competition Commission (CoCo) is an advisory body to the Federal Competition Authority. It consists of eight members who have special knowledge and experience in economics, business administration, social policy, technology or economic law. The members of the CoCo are appointed every four years by the Federal Minister of Economy, Energy and Tourism. The Austrian Federal Economic Chamber, the Federal Chamber of Labour, the Austrian Federation of Trade Unions and the Presidential Conference of the Austrian Chambers of Agriculture each have the right to nominate one member (substitute member). The members (substitute members) are not bound by any instructions in the performance of their duties and are subject to official secrecy.

Reference is made to Chapter 19.1 for the CoCo's priority recommendations for the year 2024.

Members and Substitute Members

The following members were appointed for the term of office from 2022 to 2026.

Members	Substitute Member
RA Hon.-Prof. DDr. Jörg Zehetner Chairperson Attorney at Karasek Wietrzyk Rechtsanwälte Honorary Professor	Dr. Anna Hammerschmidt Institute for Economy Vienna University of Economics and Business (WU)
Mag. Maria Mercedes Ritschl Deputy Chairperson 2022/23, Expert in Fiscal Policy & Law, Public Economic Law, Federation of Austrian Industries (IV)	Mag. Ingrid Schöberl Deputy Head of Department for Fiscal Policy & Law, Administrative Reform & Legal Policy, Federation of Austrian Industries (IV)
Dr. Michael Sachs Vice President of the Austrian Federal Administrative Court	Mag. Dr. Agnes Kügler, MSc Research Associate at the Austrian Institute for Economic Research
Prof. Dr. Markus Reisinger Frankfurt School of Finance & Management	Mag. Georg Konetzky Director-General at the Federal Ministry for Economy, Energy and Tourism
Ing. Mag. Andreas Graf Austrian Chamber of Agriculture (LK)	Mag. Martin Längauer Austrian Chamber of Agriculture (LK)
Mag. Helmut Gahleitner Deputy Chair 2023/24 Vienna Chamber of Labour (AK)	Mag. Susanne Wixforth Vienna Chamber of Labour (AK)
Dr. Rosemarie Schön Deputy Chair 2024/25 Austrian Federal Economic Chamber (WKÖ)	Dr. Winfried Pöcherstorfer LL.M. (LSE) Austrian Federal Economic Chamber (WK)
Miriam Fuhrmann, MSc Austrian Trade Union Federation (ÖGB)	Dr. Helene Schubert Austrian Trade Union Federation (ÖGB)

Reference is made to the CoCo's website (only available in German):
<https://www.bmwet.gv.at/Wettbewerbskommission.html>

6 Outcome Orientation

The AFCA set the following targets for the year 2024:



Goal 1: Improving/Maintaining Competition

Primarily, investigations of competition violations, merger control, as well as European and international cooperation were the AFCA's top priorities. These goals were indeed achieved through successful performance of investigative actions, effective merger control, and constructive continuation of cooperation with other EU authorities.



Goal 2: Building Awareness

This objective was characterised by continuation and improvement of the educational work. In order to fulfill its mission of informing the public about its activities, the AFCA operates its own website (www.bwb.gv.at), on one hand in order to comply with the legal publication obligations (§ 10b of the Austrian Competition Act) and on the other hand to ensure transparency. Furthermore, the AFCA disseminates information via LinkedIn and Youtube. To uphold transparency the AFCA maintains an informative and clear homepage and continuing effective media relations. The AFCA also receives a large number of press enquiries (national and international) on procedures and general economic contexts on a daily basis.



Goal 3: Quality Management

AFCA work demands highly skilled professionals to uphold with dynamic market developments and constant academic advancements. AFCA professionals must meet the same quality standards as lawyers and economic advisors. With a customised training programme (ongoing internal training, expert meetings, job rotation, study visits, etc.), the AFCA ensures that the high quality standard is maintained and improved. In 2024, a wide range of training and professional development measures for staff were once again initiated and also developed internally.



Goal 4: Consolidation

Effective and modern antitrust law enforcement requires constant development of the authority professionally and structurally. The evaluation of internal processes, the assessment of the authority's inputs and outputs and the implementation of the resulting insights aim to make the AFCA future-proof for its daily work and the resulting challenges.



Goal 5: Digital Challenges

Digitalization affects all areas of the economy, including competition. The AFCA recognized these developments early on and has been employing future-proof methods for several years. This includes investigations, such as using IT-supported tools for analysis, as well as prevention campaigns and the training of the agency's staff. Since autumn 2021, the AFCA has been using the electronic file (ELAK) for its file management. Additionally, digital competencies were enhanced by establishing a dedicated IT forensics department.





7 Budget and Staff

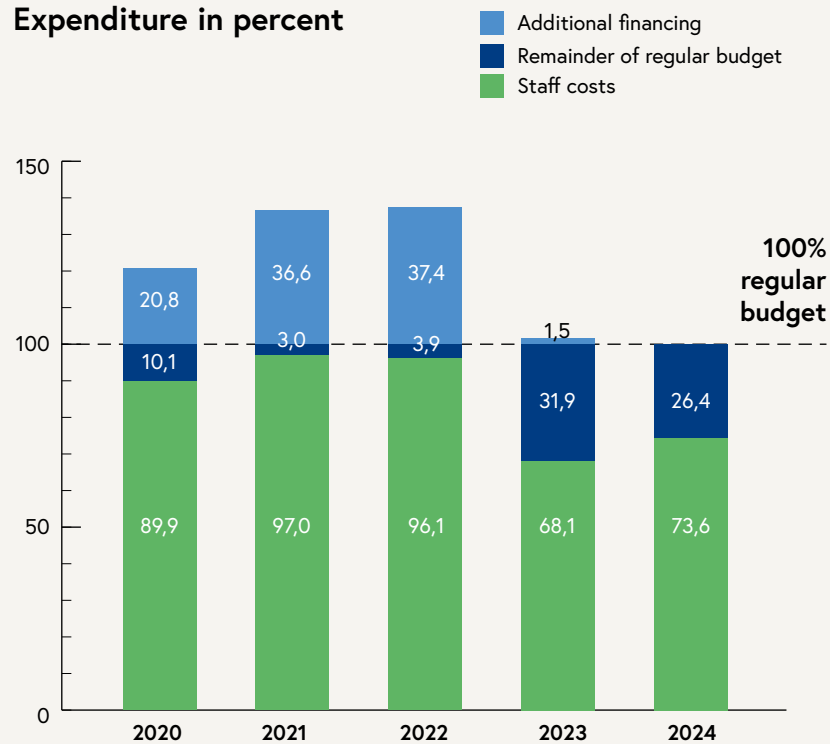
7.1 AFCA's Budget Development

As outlined in previous activity reports, the regular budget provided for in the BFG did not cover basic expenses such as personnel, rent, and general IT infrastructure costs over several years. For 2023, the regular budget was increased substantially by € 2.4 million to a total of € 5.901 million. In 2024, the AFCA received a realistic regular budget for the first time, which also included an increase of 18 staff positions and was therefore increased by € 2.392 million to a total of € 8.293 million.

The additional resources were primarily used for case work, digitalization and compliance projects. In addition, the Director General established a middle management level to create a modern organizational structure within the AFCA (see Chapter 7.4).

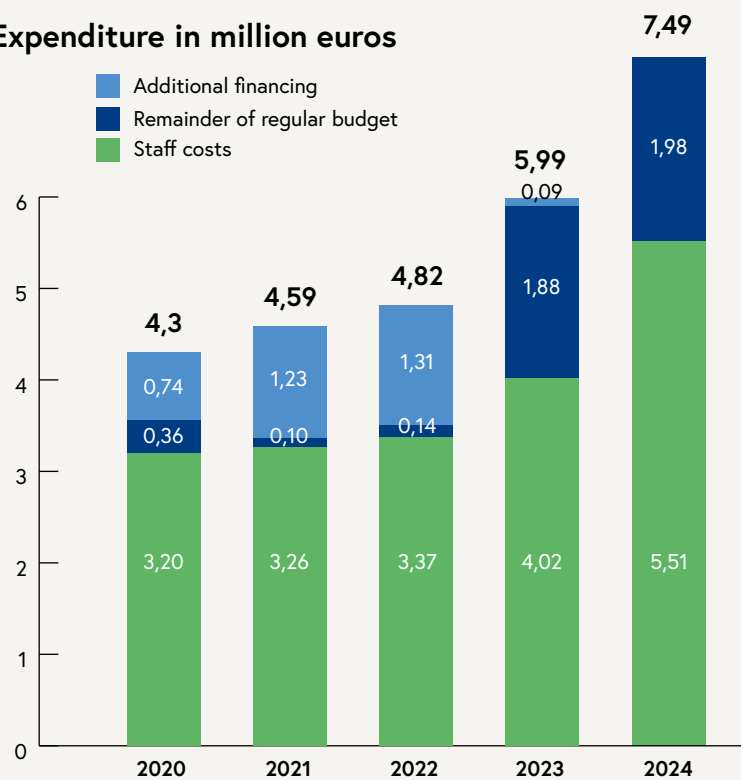
As a result, for the first time in nearly 10 years, it was not necessary to submit a request for budget overrun to the Ministry of Finance in 2024. Consequently, all fines imposed by the AFCA flowed directly into the general federal budget. This enabled the AFCA to cover the essential operational needs from the regular budget and to plan necessary investments sensibly and costeffectively at the beginning of the year.

Expenditure in percent



Expenditure in percent 2024
Source: Annual Report of the AFCA

Expenditure in million euros



Expenditure in million euros 2024
Source: Annual Report of the AFCA

The provision under § 32 (2) of the Cartel Act which allows for additional funds of up to € 1.5 million to be requested from the Ministry of Finance if fines of a corresponding amount have been paid, remains in place in order to enable necessary extraordinary investments.

The new government programme 2025-2029 provides for strengthening the independence of the AFCA. This is to be achieved in particular through an autonomous budget management, while ensuring the efficient use of funds for enforcement activities.

7.2 Revenue from Fines and Fees

Collected fines and fees for merger notifications generated on the basis of AFCA applications are not part of the budget of the Federal Competition Authority but flow into the general federal budget.

Pursuant to § 10a (1) of the Competition Act, a lump sum amounting to € 6,000 is to be paid for a merger notification. With 352 merger notifications in 2024, this results in revenues of € 2,112,000.00.¹ In total, fines amounting to € 41.06 million were imposed by the Cartel Court in 2024. The purpose of fines lies in their specific and general deterrent effect. It should be noted that, in contrast, the total costs for the AFCA amounted to € 7.49 million for the overall budget.

7.3 Staff in Figures

As of the reporting date, December 31, 2024, a total of 63 individuals were employed at the AFCA, including one person with a recognized disability.

Throughout 2024, the AFCA employed eight interns. Six out of these were in preparatory training. The other two were shortterm interns.

In 2024, several staff members at the AFCA worked part-time – ten women and three men. While AFCA positions are generally defined as full-time posts, they can and are regularly filled on a part-time basis in practice. Converted into full-time equivalent (FTE) positions, the AFCA employed 57.975 FTE staff members. Additionally, eight employees were on various types of leave during the year, including two women and six men. One male employee took early parental leave in 2024.

1 One-ninth of the registration fees collected must be transferred to the Federal Ministry of Justice (Section 10a (1) WettbG).

Two currently on-leave employees were working at the Directorate-General for Competition of the European Commission, and one employee was on leave to work with Judge Elisabeth Tichy-Fisslberger at the General Court of the European Union.

As in previous years, staff turnover in 2024 remained low. Only one female and one male employee left the AFCA through mutually agreed termination of their employment. Ten new staff members (including one apprentice, one male trainee, and one female trainee intern) were hired as contract employees (eight women and two men).

New Hires include:

- Florian Casagrande (taken on as a permanent employee after an internship)
- Valentin Grieser (transfer from university)
- Gloria Halder (transfer from the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology)
- Lisa Leitner (transfer from the Austrian Data Protection Authority)
- Melisa Malkic (apprenticeship placement)
- Gloria Pitterle (taken on as a permanent employee after an internship)
- Beatrice Rieder (taken on as a permanent employee after completing apprenticeship)
- Melitta Schütz (transfer from the Federal Ministry of Finance)
- Brigitte Slepicka (transfer from the Federal Bureau of Anti-Corruption)
- Christiane Wakonig (taken on as a permanent employee after an internship)

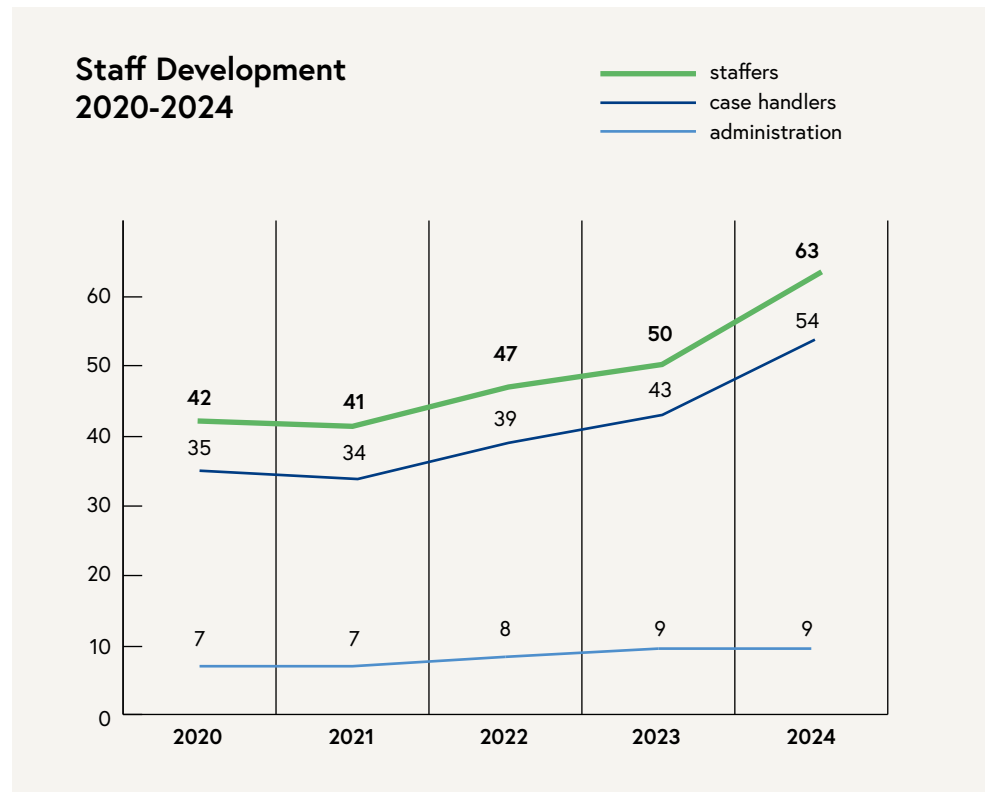
Table 2: The AFCA's Employment Status in 2024 (as of 31 December 2024)

Distribution of active staffer	female	male	total
v1	26	28	54
v2-v4	4	5	9
Total active staff	30	33	63
Apprenticeships and interns (4 interns, 1 apprentice)	5	0	5

Staff development 2019-2023

Source: Annual report of the AFCA; Staff including the Director General and the Head of Office.

Administration including one apprentice in the administrative assistant training programme.



7.4 AFCA Introduces a Modern Organisational Structure

In 2024, several structural innovations were implemented, including the establishment of three new divisions, two new units, and the appointment of an expert for international affairs.

The newly created Case Division A is responsible, among other things, for energy, waste management, transport, agriculture, and trade. In addition, a UWG Unit was set up to oversee the enforcement of the Unfair Competition Act (UWG), as well as an FWBG Unit responsible for implementing the Fair Competitive Conditions Act (FWBG).

Case Division B focuses on sectors including construction, information and communications technology, media, leisure and entertainment, postal services, healthcare, pharmaceuticals, insurance, financial services, and consumer goods. This department also handles matters related to the Digital Markets Act (DMA), the enforcement of competencies under the ORF Act, and the supervision and investigative powers granted by the Interchange Fees Enforcement Act (IEVG).

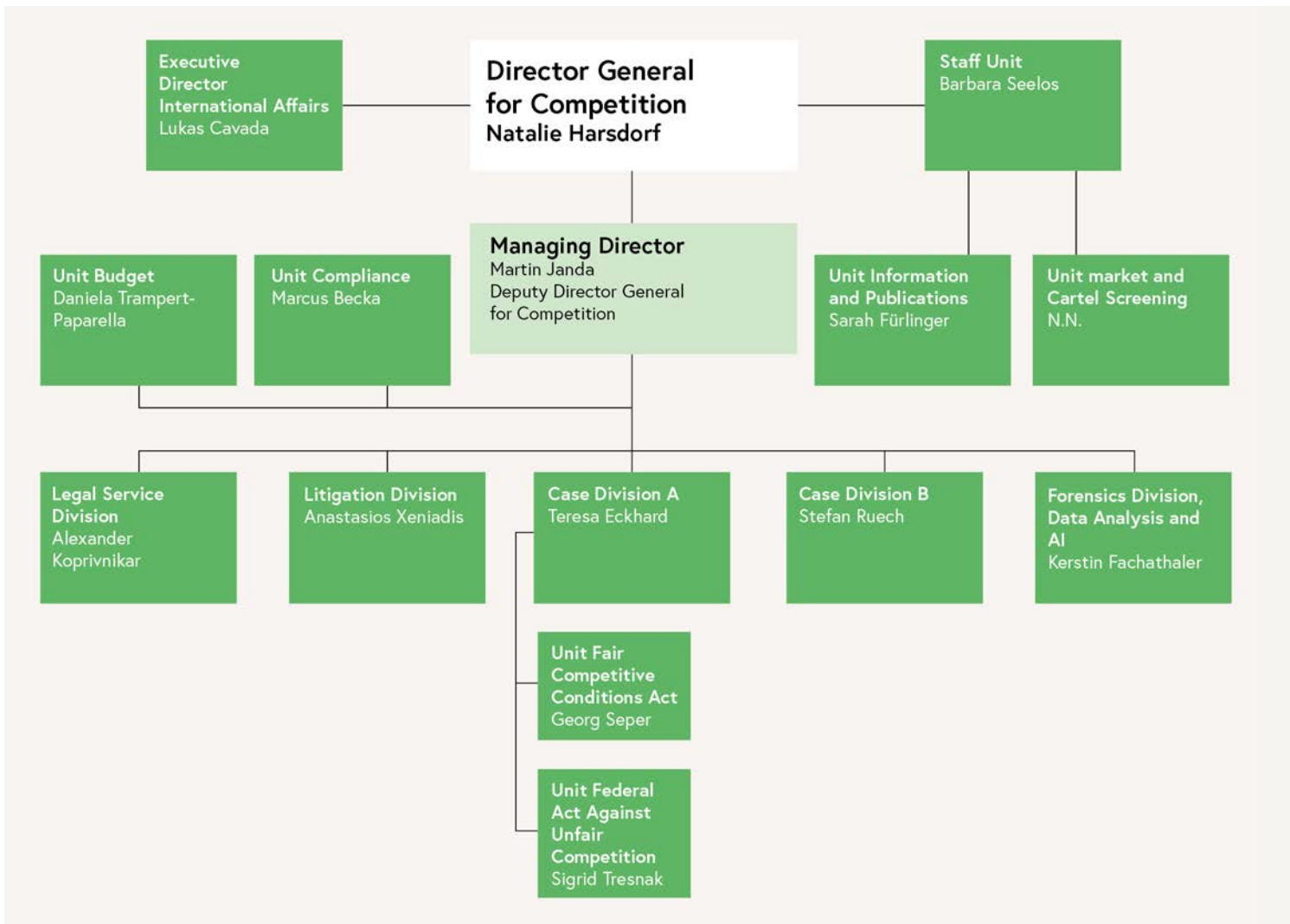
As of January 2024, the former forensics unit was upgraded to a full division for forensics, data analysis and AI, led by Kerstin Fachathaler. The increasing digitalization and the growing importance of AI applications require the AFCA to continuously develop its range of digital tools. At the same time, data security and integrity must be ensured. With this new division, the AFCA is well equipped to meet modern investigative requirements.

Within the staff unit, the AFCA has strengthened its economic focus through additional economists and by formalizing competition monitoring and cartel screening as new areas of responsibility.

In addition to the existing roles of the data protection officer and safety representative, a contact point for gender equality efforts was also established.

Lastly, the appointment of an expert for international cooperation reflects the increasing importance of cross-border enforcement collaboration in the field of competition law.

AFCA's Organisational Chart



Organisation Chart
Source: AFCA

7.5 Organisational Staff Development in the AFCA

7.5.1 Internal Re-organisation

As part of the authority's reorganization, open positions were newly filled.

In April, Sigrid Tresnak took over as head of the UWG Unit (Act Against Unfair Competition). Georg Seper assumed leadership of the FWBG Unit (Fair Competition Conditions Act). Both bring many years of expertise in these areas.

In May, Teresa Eckhard took over leadership of Case Division A, and Stefan Ruech assumed leadership of Case Division B. The divisions are composed of lawyers and economists and are responsible for conducting all types of proceedings within their respective sectors. Both leaders have extensive experience in competition law and previously worked at law firms specializing in, among other things, antitrust law.



From left to right: Stefan Ruech, Natalie Harsdorf, Teresa Eckhard
Photo: © AFCA

In June, two new deputy heads were appointed for the Legal Service Division, Case Division A, and Case Division B. Matthias Ranftl became the deputy to Teresa Eckhard (Case Division A), and Lisa Marie Pötzelsberger became the deputy to Stefan Ruech (Case Division B). Beatrix Krauskopf took over as deputy head of the Legal Service Division after the former deputy, Stefan Ruech, was appointed head of Case Division B.

In September, the Director General presented the decree to Martin Janda for his appointment as the new Deputy Director General for competition. Martin Janda has held senior positions in various areas of the federal administration for over 30 years, including 18 years at the Ministry of Economic Affairs as the top HR officer at the administrative level.



From left to right: Natalie Harsdorf, Martin Janda
Photo: © AFCA

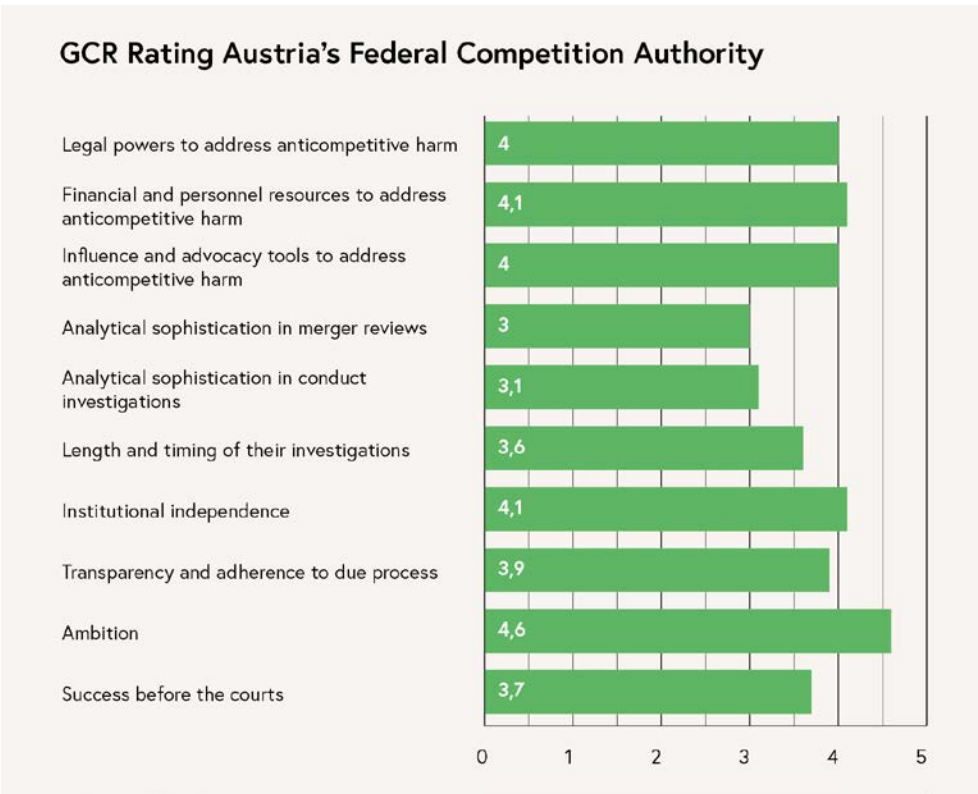
In December, Lukas Cavada was appointed expert for international cooperation. In this role, he supports the Director General in all matters of international cooperation and represents the AFCA in international forums.

7.5.2 Economists on the Advisory Board of Statistics Austria

At the recommendation of the Director General for Competition, members of the AFCA were appointed by Statistics Austria to the advisory boards for Economic Statistics as well as Business and Foreign Trade Statistics. Mathias Brunner was appointed as a member of both advisory boards for Economic Statistics and Business and Foreign Trade Statistics. Loulou Kenens was appointed as a substitute member of the advisory board for Economic Statistics, and Johannes Lukas was appointed as a substitute member of the advisory board for Business and Foreign Trade Statistics.

7.6 Global Competition Rating

The AFCA once again received 3.81 out of 5 stars, despite being one of the smallest authorities both financially and in terms of personnel according to the Global Competition Review. The authority is rated by law firms as “balanced and fair.” According to surveys, this reputation is primarily due to the authority’s decision not to file applications with the Cartel Court in the pellets sector. In many categories of the detailed evaluation process, the Federal Competition Authority ranks among the top 10 competition authorities worldwide.



GCR Rating Austria's Federal Competition Authority
Source: Global Competition Review 2024

7.7 Quality Management and Professional Development

Employees are required to meet high qualification standards. Therefore, trainings are an essential criterion for the quality management of the AFCA.

Professional development measures in 2024:

- IT
- Forensics
- Competition economics
- Current judicature and legislation
- Media relations
- Management methods

In autumn 2024, two internal workshops were held on the topics of organizational culture, values, and leadership roles. These workshops were primarily aimed at improving internal processes and generating efficiencies in the workflows between divisions.

7.7.1 Seminars on the Economics of Competition

The AFCA regularly organises seminars on the economics of competition and invites researchers to present current findings related to competition economics and enforcement.

Table 3: Lecturers in the AFCA 2024

Date	Speaker	Institution	Topic
13.03.2024	Mihály Fazekas	Central European University	<i>Public procurement cartels: A large-sample testing of screens using machine learning</i>
22.08.2024	Thomas Willemsen	Glade Michel Wirtz	<i>The group of Chinese state-owned enterprises in European and German merger control</i>
12.11.2024	Isabel Pham	Austrian Institute of Economic Research (WIFO)	<i>Merger waves in retrospective: evidence from the US airline industry</i>

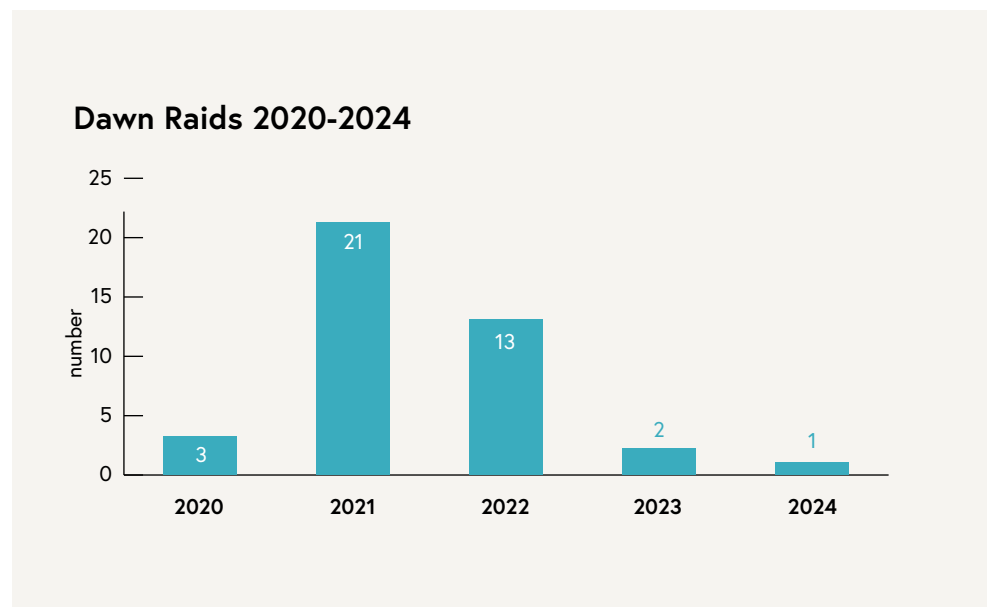
8 Phone Service – Complaint Management Restructured

The AFCA places great importance on continuously evaluating and improving its internal processes. Therefore, the telephone complaint management system has been restructured. Telephone complaints are now handled centrally by two designated contact persons. In 2024, a total of 97 complaints were received by phone. Approximately 30% of these complaints came from businesses and 70% from consumers. The topics of the complaints primarily concerned general consumer observations such as misleading advertising, deceptive packaging in the food sector, observations relevant to antitrust law such as refusals to supply, irregularities in tenders, as well as complaints related to district heating.



9 Dawn Raids

In October 2024, the Federal Competition Authority conducted a dawn raid at two locations in the parquet flooring market in Styria and Vienna on suspicion of price fixing. The investigation is still ongoing.

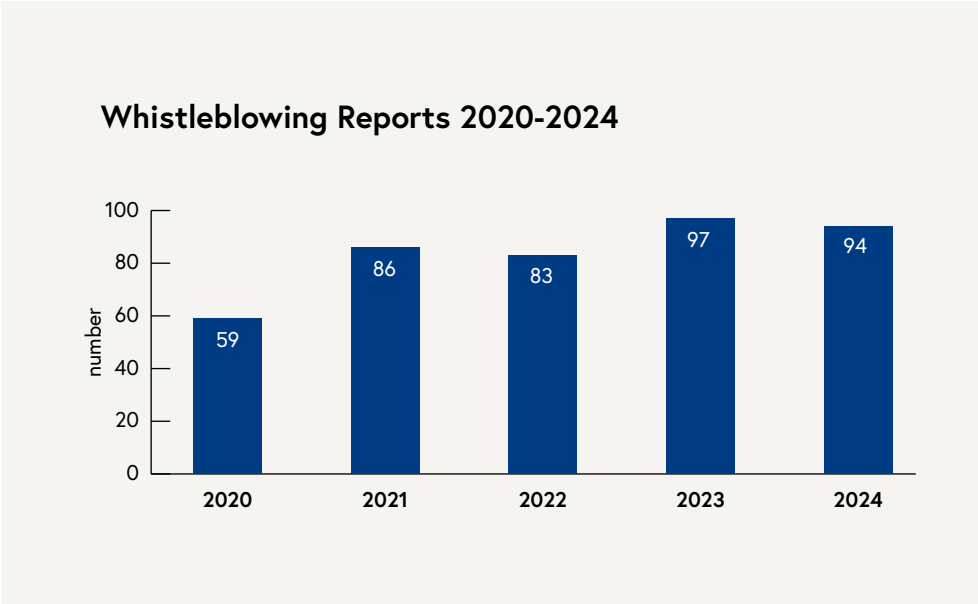


Dawn Raids 2020-2024
Source: AFCA

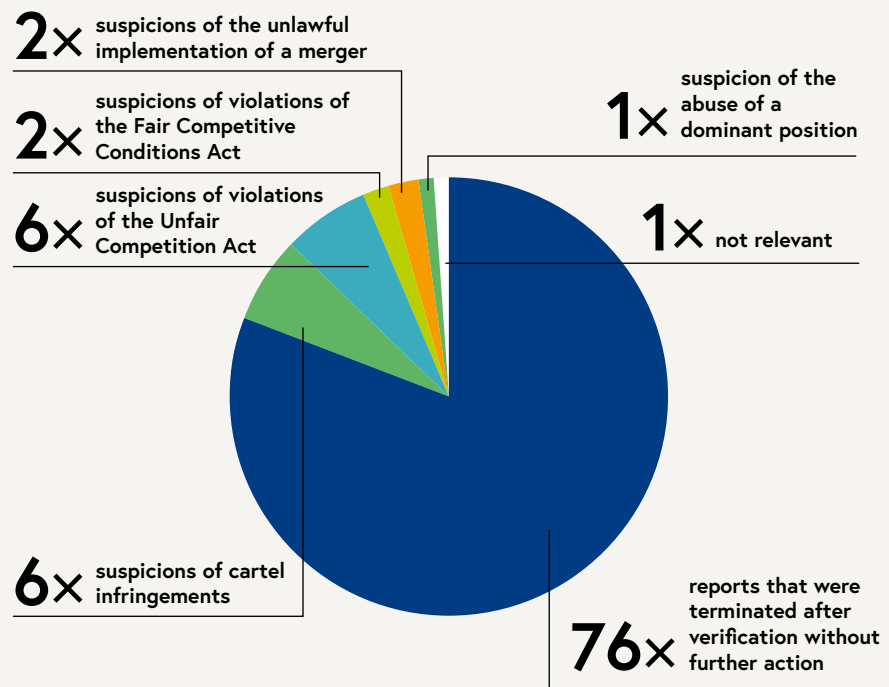
10 Whistleblowing System

In February 2018, the AFCA's whistleblowing system was launched following a legal amendment. It allows individuals to anonymously contact the AFCA and report violations of competition law. Thanks to the two-way communication feature (mailbox system), the AFCA can direct follow-up questions to the whistleblower and thereby obtain additional information.

The number of whistleblowing reports has steadily increased. In 2024, a total of 94 complaints were submitted to the AFCA:



Whistleblowing Reports 2024

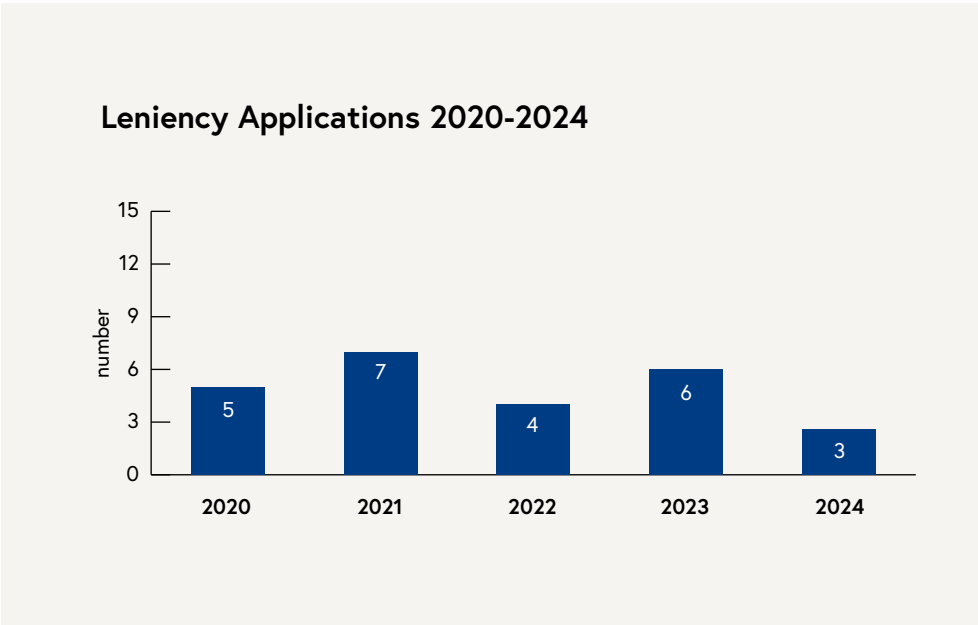


Whistleblowing Reports
Source: AFCA

11 Leniency Program

The AFCA may refrain from requesting imposition of a fine or apply for a reduced fine for entrepreneurs or associations of entrepreneurs which, through their cooperation, contribute to disclosure of an infringement of § 1 of the Austrian Cartel Act or Article 101 of the TFEU. Thus, the leniency programme of § 11b of the Austrian Competition Act is an essential instrument for enforcement of the prohibition of cartels.

In 2024, three requests to proceed pursuant to this regulation were submitted to the AFCA.





12 Prosecution of Cartels

12.1 Construction Cartel: Proceedings 2024²

Six applications for the imposition of fines were submitted to the Cartel Court:

Undertaking	Date of application	Fine
STEINER BAU Gesellschaft m.b.H.	30.01.2024	€1.3 million
Leithäusl Gesellschaft m.b.H.	26.02.2024	€ 1.25 million
Ing. Hans Bodner Baugesellschaft m.b.H. & Co. KG., Ing. Hans Bodner Baugesellschaft m.b.H.	02.04.2024	€ 1.05 million
Pichler Bau GmbH	29.05.2024	€ 110,000
Franz Malaschofsky Gesellschaft m.b.H. Nfg KG, Malaschofsky Beteiligungsgesellschaft m.b.H., Franz Malaschofsky Gesellschaft mit beschränkter Haftung & Co KG	16.09.2024	€ 98,000
Anton Traunfellner Ges.m.b.H., Traunfellner Beteiligungs-GmbH	14.11.2024	€ 1.7 million

² Reference is made to the key recommendations of the Competition Commission.

The following cartel proceedings were legally concluded in 2024:

Undertaking	Fine	Period and Place of Infringement	Branch
Hitthaller + Trixl Baugesellschaft m.b.H. and its parent company, PHB GmbH	€ 1.36 million	December 2005 - December 2016 Styria, Carinthia, Lower Austria, Upper Austria, Salzburg, Burgenland	Construction industry with a focus on road construction
Gebrüder Haider Bauunternehmung Gesellschaft m.b.H, Gebrüder Haider & Co Hoch- und Tiefbau GmbH, and Haider & Co Hoch- und Tiefbau GmbH	€ 3.51 million	April 2010 - October 2017 and July 2002 - October 2017 in large parts of Austria	Construction industry with a focus on road construction
Konrad Beyer & Co Spezialbau GmbH and Mandlbauer Bau GmbH	€ 1.1 million	September 2004 - April 2017 in Styria, Carinthia, Lower Austria, Salzburg, Burgenland	Construction industry with a focus on road construction
STEINER BAU Gesellschaft m.b.H	€ 1.3 million	December 2005 - June 2017 especially in Carinthia and sporadic projects in Styria	Construction industry with a focus on road construction
Fröschl AG & Co KG and Fröschl AG	€ 1.4 million	June 2005 - February 2016 Tyrol	Construction industry
Pichler Bau GmbH	€ 110,000	June 2013 - July 2016 Styria	Construction industry
Ing. Hans Bodner Baugesellschaft m.b.H. & Co. KG. and Ing. Hans Bodner Baugesellschaft m.b.H.	€ 1.05 million	December 2010 - July 2015 Tyrol	Construction industry with a focus on road construction
Leithäusl Gesellschaft m.b.H	€ 1.25 million	July 2002 - October 2017 Lower Austria, Vienna, Styria	Civil engineering
Graf Beteiligungs OG, Graf Holding GmbH and Leyrer + Graf Baugesellschaft m.b.H Graf Beteiligungs OG, Graf Holding GmbH and Leyrer + Graf Baugesellschaft m.b	€ 5.8 million	January 2007 - May 2017 Lower Austria, Styria, Carinthia, Upper Austria, Burgenland	Building construction and civil engineering



12.2 Other cartels

Sector	Proceedings	Status
<u>Waste management cartel</u> <u>Update on Waste Management Cartel: Finding Decision against FCC Austria Abfall Service AG is final</u> <u>Waste management cartel update: Cartel Court fines Saubermacher Dienstleistungs AG, Trügler Recycling & Transport GesmbH and pink robin gmbh EUR 7.085 million at AFCA's request</u>	• after investigations, first applications filed against leniency applicant FCC Austria Abfall Service AG to the Cartel Court in February 2024 • second applications filed against Saubermacher Dienstleistungs AG for a fine of € 7.085 million in September 2024 • infringements: – price fixing – market allocations – exchange of sensitive information	• FCC Austria Abfall Service AG final and binding decision in October 2024 • Saubermacher Dienstleistungs AG pending
<u>Facade construction cartel: AFCA applies to Cartel Court for imposition of an appropriate fine on Riegerbau GmbH</u>	• Cartel Court imposed a fine of € 63,000 on Simsek Bau GmbH in January 2024 and a fine of € 43,000 on Riegerbau GmbH • infringements: – price fixing – market allocations – exchange of sensitive information • a total of €160,000 of fines against three undertakings were imposed (NFS Bau GmbH)	proceedings concluded
<u>Welding technology cartel proceedings concluded: EUR 3 million fine imposed on Fronius by Cartel Court at AFCA's request</u>	• Cartel Court imposed fines of – € 3 million on Fronius International GmbH and G & K Privatstiftung – € 870,000 on Haberkorn GmbH – € 505,000 Zultner Metall GmbH, Zultner Immobilien und Beteiligungs GmbH • infringements: – price fixing – market divisions – prohibitions of competition by means of a distribution agreement	proceedings concluded

13 Abuse of Dominance

Case	Infringement	Procedural information	Status
<u>BRAU UNION AG, BRAU-UNION Österreich Aktiengesellschaft</u>	• anticompetitive exclusive purchasing obligations, single branding and tying, allocations of markets and customers, exchange of strategic information with competitors, as well as anticompetitive abusive exclusionary conduct	• AFCA filed an application with the Cartel Court for an appropriate fine in June 2024 • statement of objections in 2023 • dawn raid in 2022	case pending
<u>Peugeot Austria GmbH</u>	• abuse of dominant position in the area of new car sales and garage services during the period from 2017 until 2021	• Cartel Court imposed a fine of € 15 million	proceedings concluded
<u>Österreichische Post Aktiengesellschaft</u>	• abuse of a dominant position in the market for the delivery of personalised mass mailings	• Cartel Court imposed a fine of € 9.2 million	proceedings concluded

14 Sector Inquiries

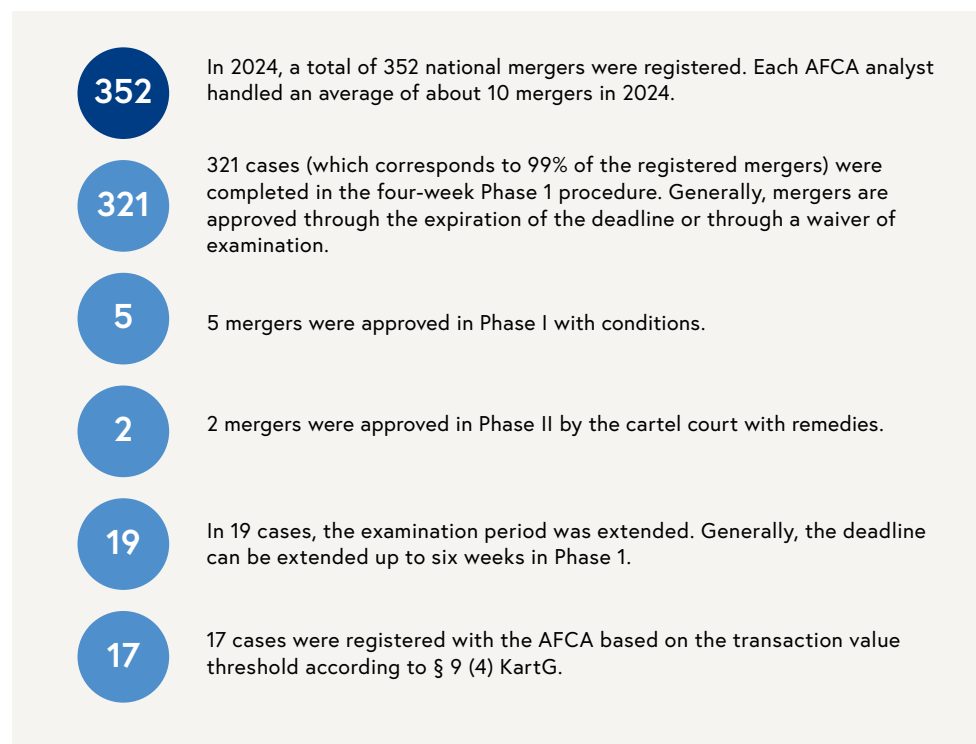
Sector	Investigation period	Focus	Findings
energy market (electricity and gas markets) Energy Task Force: AFCA and E-Control present second interim report on electricity and gas markets	started in June 2023 (pending)	• electricity and gas markets: • pricing structure of tariffs • price differentiation • beneficiaries of the energy subsidy law • calculation of electricity and gas prices for end consumers • procurement strategies for the purchase of electricity	findings of the second interim report: • the number of electricity and gas suppliers is decreasing, while market concentration in network areas for gas and electricity is very high • many electricity suppliers operate mainly in their own network area • procurement strategies in the electricity market are similar across Austria • there have been extreme developments for end consumers with indexed electricity and gas prices • certain customer groups rarely switch tariffs despite strong economic incentives • energy companies use second brands to retain customers willing to switch tariffs, while inactive customers stay with their old contracts
district heating market AFCA launches sector inquiry into district heating market	started in August 2024 (pending)	• if circumstances suggest that competition restrictions or distortions exist in a specific business sector • inquiry will primarily look into those district heating markets and network regions in which the large provincial utilities are active	pending
food delivery platforms	started in March 2023	• exclusivity clauses • mostfavoured nation clauses • selfpreferencing of own platform products • nontransparent or discriminatory ranking • entry barriers for potential market participants • switching costs for restaurants and end consumers	pending

15 Mergers

While some mergers can bring advantages to the economy, others reduce competition and thus harm the economy as well as consumers, for example by causing prices to rise or quality to decline. It is also crucial for competitiveness that mergers do not unfairly restrict competition, typically through the creation or strengthening of a dominant market player. This can have negative consequences for the economic landscape, especially for SMEs.

A careful merger review ensures functioning competition by preventing distortion effects from mergers. Mergers can also be approved with conditions if competitive concerns are addressed. This keeps markets open, dynamic, and innovative. Moreover, controlling market structure ensures that supply security and resilience are maintained. This creates a balanced economic environment that promotes long-term prosperity and enhanced economic resilience.

15.1 National Mergers



National Mergers

15.2 EU Mergers

In 2024, a total of 346 EU mergers were registered with the European Commission and brought to the attention of the member states due to their union-wide significance. The AFCA examines EU mergers for possible negative effects on Austria and can provide statements in the merger procedure.

The following mergers represent a selection of EU mergers in 2024 which from the perspective of the AFCA, have a particular relevance for Austria:

- CONSTANTIA / ALUFLEXPACK: Manufacture of light metal packaging, M.11536
- LUXSHARE / PIERER / LEONI: Manufacture of cables and insulated electrical installations, manufacture of electrical and electronic equipment for motor vehicles, M.11783
- STRABAG / BECKER / WRG KG: Waste treatment and disposal, M.11790
- OMV / ADAMANT / ADAMANT ECODEV: Manufacture of mineral oil products, manufacture of other chemical products, M.11762
- STRABAG / HFPS / SRK: Services of head offices, business consulting, hospital management, M.11643
- NEVEON / BRANTNER AUSTRIA / JV: Recovery of sorted materials, wholesale of waste and scrap, M.11666
- PIAG / MMBET / RBH / ROSENBAUER: Light metal foundry, manufacture of electronic components, manufacture of electrical and electronic equipment for motor vehicles, manufacture of other parts and accessories for motor vehicles, M.11685
- EDF / VAUBAN INFRASTRUCTURE PARTNERS / ONTOWER AUSTRIA: Other telecommunications activities, M.11740
- CE / RICHARD GARTNER / GARTNER TRANSPORT HOLDING: Freight transport by rail, freight transport by road, freight transport by sea and coastal shipping, air freight, warehousing and storage management, M.11506

15.3 Pre-notification Procedures

If there are any doubts about the need for notification, or if a merger is very complex or the market shares after the merger are very high, a prenotification procedure can be advised in many cases. It is in the interest of both the notifying parties and the AFCA to conduct merger control proceedings as expeditiously and smoothly as possible. In 2024, 7 prenotification requests were processed.

15.4 Notification Requirement for Mergers

As in previous years, entrepreneurs and legal representatives were supported by the AFCA's Legal Department with questions regarding the obligation to notify. In total, the AFCA provided informal legal assessments of 36 enquiries.

15.5 Merger Statistics

Table 4: Merger Statistics 2023-2024

Notifications	2023	2024
Total applications of registration	294	352
Phase 1		
Release due to expiry of deadline	270	321
Waiver of examination	13	13
Withdrawal of the application	5	8
Case closure in Phase I with remedies	2	5
Case closure in Phase I	290	347
these are in % of the applications	98,64%	98,57%
Phase 2		
Withdrawal of the merger notification	5	2
Withdrawal of application for review	0	2
Prohibition by Cartel Court	0	0
Non-prohibition with requirements by the Cartel Court in Phase II	0	2

15.6 Prohibited Transactions or Incorrect/Misleading Information in Merger Proceedings

When mergers of companies are not notified to the Federal Competition Authority despite the obligation to notify, or if incorrect or misleading information is provided in the notification, the Cartel Court may impose a fine at the request of the AFCA. In 2024, fines of € 203,000.00 were imposed on three companies (Granit Holding GmbH, Lenzing AG, Palmers AG) for prohibited practices. Since the AFCA was established, a total of € 15,219,410.00 has been imposed by the Cartel Court due to gun jumping.

15.7 Judicially Examined Mergers and Mergers Approved Subject to Conditions

Table 5: Legally Examined Mergers and Mergers Approved Subject to Conditions

Case	Course of Proceedings	Remedies
Miele Beteiligungs-GmbH/ Metall Zug AG (Phase II)	- notified in January 2024 - merger of two major suppliers of washers and disinfectors to hospitals in Austria - phase II Cartel Court due to competition concerns - closed with remedies	- Miele and Metall Zug have committed to strengthening one of their rivals „Servosan“ by providing support and bonus payments. - grant commercial incentives for the expansion of business activities in relation to washers and disinfectors - Servosan is entitled to obtain technical support in relation to washing and disinfecting in the amount agreed for the duration of three business years. - etc.
Portland-Zementwerk Gebr. Wiesböck & Co. GmbH („Rohrdorfer“)/ ASAMER Kies- und Betonwerke GmbH (Phase I)	- notified in January 2024 - AFCA raised doubts concerning the market definitions - the horizontal concerns related to the involved companies' large joint market shares, an increased concentration of the market for readymixed concrete in Upper Austria and Vienna, with a negative impact on competition, resulting for example in higher prices or less favourable terms for buyers - closed in Phase I	- based on AFCA's investigation results and the expert's findings, structural remedies were imposed, which eliminate the competition concerns: - divestiture of Rohrdorfer readymixed concrete factories in Linz and Wels (affecting the Upper Austrian readymixed concrete market) - unbundling of Asamer and Strabag and/or acquisition of two Asamer readymixed concrete factories by Strabag (affecting the Viennese readymixed concrete market)
Messezentrum Salzburg GmbH und EAFINITY Beteiligungsverwaltungs GmbH (Phase I)	- notified in May 2024 - merger raised concerns, Messezentrum Salzburg (MSZ) could potentially receive competitively sensitive information from a direct competitor - closed with remedies	- MSZ waives the rights to give consent, to obtain information and to exercise control. - MSZ refrains from appointing any representatives to the advisory council of Design Center Linz.
Raiffeisen-Holding Niederösterreich-Wien Beteiligungs GmbH/ Niederösterreichisches Pressehaus Druck- und Verlagsgesellschaft m.b.H. (Phase I)	- notified in May 2024 - AFCA conducted market survey - competition concerns: advertising business, which is handled by Kronen Zeitung and Kurier through Mediaprint - identification of competition concerns such as pricing strategy might be detrimental to competition (price increases, segment specialisation, selective predatory pricing) - closed with remedies	- restriction of the extent of equity interests - no combined marketing activities in connection with print and online ads/advertising - guaranteeing media plurality - companies involved are subject to anti-circumvention rules and certain reporting requirements
Bormioli Pharma S.p.A/ Gerresheimer AG	- notified in October 2024 - identification of competition concerns related to the increasing concentration of pharmaceutical primary packaging made of soda lime - market surveys conducted - closed with remedies	- transfer of some of Bormioli's customers to the remedy taker - Bormioli to offer subcontracting to the remedy taker - Bormioli to support remedy taker in developing its own production - payment of a qualification bonus to customers switching over to the remedy taker - monitoring of compliance with the commitments through an independent trustee

Case	Course of Proceedings	Remedies
Acerinox, S.A/ Haynes International	• 2nd notification closed with remedies in phase I • AFCA identified strong competition concerns in the market for production and sale of nickel alloy flat products and production and sale of plates, sheets and strips as submarkets of nickel alloy flat products • case closed with remedies agreed with the Federal Cartel Prosecutor	• remedies aims to enable independent resellers to serve a customer base in the CPI, O&G, and other sectors (“Industry Verticals”) with flat products made of nickel alloys – currently supplied by Haynes from its Swiss Service Center which is to be acquired as part of the merger with Acerinox

15.7.1 AFCA Deems Diebold Commitments Still Necessary in ATM Maintenance Market

2016, the AFCA cleared the merger between Diebold (USA) and Wincor Nixdorf (Germany) subject to commitments concerning Financial Self-Service (FSS) solutions such as ATMs and related services. In 2023, Diebold Nixdorf requested amendments to these commitments. Following a detailed market survey involving competitors and customers (mainly banks), the AFCA concluded that the original competition concerns still persist. The commitments therefore remain unchanged.

The commitments aim to safeguard competition in the FSS maintenance market. Customers must be able to maintain Diebold Nixdorf machines themselves or via independent providers. Diebold is required to provide necessary technical information, support, and original spare parts against appropriate remuneration – at minimum, covering related costs.

The binding commitments from 2016 include:

- ensuring interoperability with third-party FSS software
- allowing self- or third-party maintenance in Austria
- providing support for existing FSS devices

16 Further Competences of the AFCA

16.1 Proceedings under the Fair Competition Conditions Act

The Fair Competition Conditions Act entered into force on January 1, 2022. The provision on fines included in the Act are applicable since since May 1, 2022. Since then, the AFCA has been able to apply to the Cartel Court for the imposition of fines up to € 500,000 per violation. Close cooperation with the independent Fairness Office, which advises suppliers affected by unfair trading practices, continued in 2024.

In 2024, the AFCA reviewed eight complaints concerning unfair trading practices. These complaints involved practices such as:

- unilateral changes to supply agreements,
- demands for payments unrelated to the sale of agricultural and food products,
- and delayed payments to suppliers.

16.2 Unfair Competition Practices

To achieve its objectives of ensuring effective competition and counteracting distortions or restrictions of competition, the AFCA is authorized to assert injunctive claims pursuant to § 14 (1) of the Unfair Competition Act (UWG). This enables the AFCA to investigate complaints concerning unfair, aggressive, or misleading commercial practices and bring such cases before civil courts.

In contrast to cartel proceedings before the Cartel Court and the Higher Cartel Court, the AFCA acts as a private party in UWG proceedings. As such, it has no formal investigative powers as granted under the Cartel Act and bears the full risk of legal costs. Moreover, §§ 11 to 14 of the Competition Act (WettbG), which define the AFCA's investigative powers, do not apply to proceedings under unfair competition law.

In 2024, the AFCA handled 116 complaints under the Unfair Competition Act (UWG). In comparison, there were 25 complaints in 2022 and 46 in 2023. This reflects a strong upward trend in the number of cases.

16.2.1 Unfair Competition Practices Cases

Table 6: Unfair Competition Practices Cases 2024

Case	Infringement	Status
<u>Temu</u>	• Austrian Retail Association submitted compliant Complaint includes: • false claims that a product is only available for a very limited time or only under certain conditions for a short period • misleading actions regarding pricing, in violation of the prohibition against deception • misleading presentations concerning essential product characteristics • creating the false impression that a product can be legally sold, in violation of applicable laws • AFCA conducted indepth analysis	pending
<u>Company Register Scam</u>	• small businesses were falling victim to fraudulent activities by scam companies • entities contacted businesses with letters that appear official or government-issued in order to obtain sensitive data. Shortly afterward – or even in the same letter – companies were unexpectedly confronted with a demand to pay a substantial amount of money • AFCA issued a warning and tips how to handle such letters	observing
<u>Honey</u>	• in December 2024 media reported about products labeled as honey and may actually be: pure sugar syrup, honey diluted with sugar syrup • particularly affected are imports from third countries	pending
<u>Social Media Influencer</u>	• AFCA received a complaint alleging that an influencer with over one million followers failed to timely label her posts on the social media platform Instagram as advertising. • the influencer cooperated and added the missing advertising disclosures	closed

16.3 Preliminary Contract Reviews Pursuant to §§ 6 et seq. of the Austrian Federal Broadcasting Act (ORF-G)

Since 2010, new services by the ORF have to undergo a preliminary contract review pursuant to §§ 6 et seq of the Austrian Federal Broadcasting Act (ORF-G), in which KommAustria examines not only the contribution of these services to the fullment of the public service mission, but also their impact on competition and the diversity of offerings, and may attach conditions to the approval. In this procedure, the AFCA represents the interests of competition as an official party. In this function, the AFCA comments on the anticipated impact of the new offering on the competitive situation of other media companies operating in Austria.

No preliminary reviews were carried out by the AFCA in 2024.

16.4 Legal Amendment Enables Effective Competition Monitoring

Competition monitoring as an economic policy tool aims to sustainably improve the economic development of a country. This monitoring can provide a basis for proactive economic policy and highlight targeted incentives for productivity increases. By repealing the previous § 11a (9) of the Competition Act (WettbG), which limited investigations to publicly available data, the AFCA now has expanded investigative powers, including the ability to issue information requests and orders to provide information.

To assess the feasibility of measuring and analyzing corporate concentration in Austria, the AFCA commissioned a study from the Austrian Institute of Economic Research (WIFO). The WIFO analysis concluded that competition monitoring modeled after the German system can also be implemented in Austria. Corporate concentration is considered a fundamental building block for competition monitoring.

The AFCA is carefully advancing the initial implementation of effective monitoring in Austria, with corporate concentration analysis being a key component. Currently, quantitative competition indicators are being analyzed across a variety of sectors to compare competitive intensity within these sectors and over time. The first report aims to provide a comprehensive overview of competition in the Austrian economy and serves as an information basis for proactive economic policy.

16.5 Consultations with AFCA

Undertakings can ask for an informal assessment from the AFCA regarding the competition law relevance of certain matters. If the authority concludes, within its discretion, that there is no reason to initiate further investigations, it may inform the undertakings of this decision, subject to the emergence of new information.

In 2024, there were seven consultations of that kind, including the following areas:

- advice on the selection of negotiation partners in real estate development
- bottle deposit
- inquiries related to the funeral industry
- rail transport
- specialized road transport



17 Competition Advocacy

17.1 Cartel Law Moot Court 2024 – Happy 10 Years!

The AFCA proudly opened again its doors for the annual Cartel Law Moot Court on June 7, 2024. The legal competition, jointly organized with ELSA Austria (European Law Students' Association) and the law firm DORDA Rechtsanwälte GmbH, celebrated its first major ten year anniversary in 2024.

Students showcased their rhetorical skills and legal expertise before a fictitious cartel court. This year, eight teams participated, each supported and coached by renowned law firms in preparation for the oral hearings.

The jury for the 2024 Cartel Law Moot Court was composed of distinguished members:

- Mag. Sonja Köller-Thier (Presiding Judge of the Higher Regional Court Vienna Chair of this year's jury)
- Mag. Heinz-Ludwig Majer, MBA (Federal Competition Prosecutor)
- Ass.-Prof. Dr. Lena Hornkohl, LL.M. (University of Vienna)
- Dr. Heinrich Kühnert, MJur (DORDA)
- Mag. Corinna Potocnik-Manzouri (AFCA)

As in previous years, the best team and the best speaker were honored. The AFCA congratulated Magdalena Bergthaler (Team University of Salzburg, coached by Peter Thyri) as best speaker and the best team, University of Vienna / Vienna University of Economics and Business (coached by Wolf Theiss: Lisa Hager and Lena Doblinger, both from Vienna University of Economics and Business), for their outstanding performance.



from left to the right:
Natalie Harsdorf, Magdalena
Bergthaler, Konrad Ost
Photo: © AFCA

17.2 Eight Independent Austrian Authorities Enter into an Agreement on a Joint Digitalisation Network

The AFCA, Energie Control Austria (E-Control), the Austrian Data Protection Authority (DSB), the Financial Market Authority (FMA), the Austrian Communications Authority (KommAustria), the rail transport regulator Schienen-Control, the Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR) and the Austrian Telekom-Control-Kommission (TKK) are joining forces and entering into an agreement to establish a joint Digitalisation Network. The aim for the independent authorities is to exchange their sector-specific knowledge on digitalisation issues.

Digitalisational change, the growing importance of access to data, and the increasing use of AI applications are altogether creating increasingly tough challenges for both the public and the private sectors.

With regard to enforcement, many of the challenges and issues facing the different sectors are in fact the same. A lot of the legislation relating to digitalisation touches on the same issues or contains overlapping content. In order to promote the exchange of experience in these areas, the participating independent authorities signed a cooperation agreement in November 2024.

The Digitalisation Network Has Set Itself the Following Goals:

- regular exchange of information and joint events
- exchange of expertise, as long as possible from a legal and organisational perspective
- assessment of facts within their sphere of influence
- working groups at expert level to prepare common approaches
- joint communication (position papers, statements).



from left to the right:
Prof. DI Dr. Alfons Haber,
MBA; Dr. Klaus Steinmaurer;
Mag. Barbara Nigl;
Dr. Matthias Schmidl;
Mag.a Maria-Theresia
Röhsler; Dkfm. Eduard Müller;
Dr. Natalie Harsdorf;
Mag. Michael Ogris; Dr.
Wolfgang Urbantschitsch,
LL.M
Photo: © AFCA

17.3 Compliance Compass: AFCA and FBAC Seminar for Municipalities on Cartel and Corruption Prevention in Public Procurement

The AFCA and the Federal Bureau of Anti-Corruption (BAK) kicked off their joint seminar series and organised an interactive two-day Compliance Compass workshop. The aim is to raise awareness of the issues at stake and create a clear set of guidelines for legal certainty in public procurement. A first kick-off workshop took place in Salzburg in November 2024.

Objective: Education and Prevention

The AFCA and BAK began their cooperation with a seminar series entitled “Compliance Compass for Municipalities. Guideline for Legal Certainty in Public Procurement” and covering topics such as cartel law, procurement law and anti-corruption measures. The target group for this knowledge transfer are decision-makers at local authority level (cities and municipalities) who primarily deal with public procurement.

Group photo “Compliance compass for municipalities”
Photo © Schloss Mirabell



Contents of the Seminars

- cartel law: obtaining a basic understanding of the laws and regulations prohibiting cartels
- procurement law: learning about the legal framework conditions governing public procurement
- corruption prevention: developing an awareness of the different forms of corruption
- compliance and integrity: honing prevention skills in connection with cartel law, procurement law and anti-corruption measures
- answers and guidance: AFCA and BAK experts discuss current questions and issues relating to cartel law, public procurement, anti-corruption efforts and compliance in a practice-oriented format
- current legal situation: AFCA and BAK experts explain current statutory amendments and provide practical guidance on how to deal with typical procurement procedures at municipal level.

Official Cooperation

AFCA Director General Natalie Harsdorf and BAK Director Otto Kerbl signed a cooperation agreement in July 2024. The aim is to fight corruption, cartels and concerted practices, as well as to step up joint efforts in education and prevention.



from left to the right:
Maximilian Tischler, Natalie
Harsdorf, Otto Kerbl
Photo: © AFCA

17.4 AFCA and Eight Regional Courts of Audit Join Forces to Uncover Cartels in the Public Sector Tendering and Present Checklist for Contracting Authorities: Prevention and Recognition of Collusion

In Austria, public sector tendering amounts to approximately € 67 billion which equates to around 18% of the GDP. If collusive tendering could be avoided, public procurement costs would be about 20% cheaper, according to the OECD.

Tender Markets particularly Susceptible to Cartel Breaches

Markets for public contracts are more susceptible to collusive arrangements. This higher level of risk is often due to the fact that public clients frequently procure the same goods and services at regular intervals. If similar quantities of a standardised product are required in the context of frequently recurring calls for tenders, the public client's demand becomes predictable, and companies also get to know who their competitors in future tender procedures will be. Markets in which goods and services are only offered by a very limited number of companies are particularly susceptible to collusive arrangements.

AFCA Investigations

The AFCA has uncovered several bid rigging cases over the last few years and secured high fines from the Cartel Court. These include the Austria-wide construction cartel, the dry-construction cartel, the facade construction cartel, the opinion research cartel, the waste management cartel and the joiner cartel. Total fines of around € 194 million have been imposed in response to infringements of cartel law.

Anti-competitive arrangements take different forms. Past examples include price fixing, market divisions, anti-competitive working groups and bidding consortia, and the exchange of competitively sensitive information. In the construction cartel, there had been regular meetings among competitors to agree which bidder should be awarded a specific contract. The companies that were left out would either be subcontracted or chosen to be the best bidder at another opportunity.

Regional Courts of Audit

Regional Courts of Audit may also have to deal with collusion in tendering procedures since they are regularly obliged to examine procurement contracts at state and municipality level. Collusion in procurement procedures is against the law and undermines the general public's trust in the integrity of public procurement processes. It also comes at great expense for taxpayers. This is the reason why it is of the utmost importance that any irregularities in relation to calls for tenders are detected at an early stage. The aim of cooperation between the AFCA and the Regional Courts of Audit is to raise and maintain awareness of collusion in public sector tendering.

Checklist for Contracting Authorities – Awareness of Cartel Breaches

The Regional Courts of Audit in Burgenland, Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tyrol and Vorarlberg have agreed to cooperate more closely with the AFCA to raise awareness of cartel law breaches among contracting authorities. The authorities designed a checklist to give contracting authorities a tool to identify cartel law breaches.

Contracting authorities can take various measures to promote fair and effective competition, as early as in the design phase of a tendering procedure, for example:

- allowing no involvement from clients
- giving no preference to established providers
- avoiding tender predictability
- no requests of bidding companies to ask other companies to submit bids
- obtaining as much information as possible about the market and its goods or services
- reporting suspicious cases.



from left to the right:
Rudolf Hoscher, Natalie
Harsdorf, René Wenk
Photo: © AFCA

17.5 AFCA, the Austrian Institute of Economic Research and Vienna University of Economics and Business Hosted a Meeting on Competition, Fairness and Change

The AFCA, together with the Austrian Institute of Economic Research (WIFO) and the Vienna University of Economics and Business (WU Wien), organised a full day event dedicated to competition, fairness and change on 18 November 2024.

The event was attended by more than 170 participants and focused on three key areas. During the first part of the meeting, the economist Tomaso Duso, professor at the German Institute for Economic Research (DIW Berlin) and chair of the German Monopolies Commission, provided an overview of the developments in European competition over the last 25 years. His talk was followed by a policy round table on procompetition economic policy. Gabriel Felbermayr, Director of WIFO, Wolfgang Urbantschitsch, Executive Director of E-Control, and Silvia Hruška-Frank, Director of the Vienna Chamber of Labour, discussed policy issues. Angelika Kramer, journalist at the Trend magazine, moderated this discussion.

In the second part, Tina Søreide, Director General of the Norwegian competition authority, gave a keynote addressed to competition and industrial policy, in which she also shared considerations and experience from Norway. This was followed by a leadership round table where Natalie Harsdorf, Director General of the AFCA, Thibaud Vergé, Vice President of the French competition authority, Martha Martinez Licetti, Practice Manager of the Global Markets, Competition, and Technology Unit at the World Bank Group, as well as Antonio Capobianco, Deputy Head of the OECD Competition Division, discussed visions in relation to the enforcement of competition law. Lewis Crofts from the MLex news service moderated the round table.

The final part was dedicated to data. Rupprecht Podszun from the Heinrich Heine University in Düsseldorf and member of the German Monopolies Commission gave a keynote speech on the growing use of AI and its impact on competitiveness and fairness within the scope of the Digital Markets Act. Paulo Trezentos, CEO of Aptoide, an alternative Android app store, presented a business case and offered his corporate insight into the issue of digital regulation. Finally, Viktoria Robertson, professor at the WU Wien, moderated the concluding discussion on competition policy in the era of digital change with Stefan Ruech, department head at the AFCA, Klaus Gugler, professor at WU Wien, and Thomas Kramler, head of unit at the European Commission.



from left to the right:
Dr. Wolfgang Urbantschitsch,
Silvia Hruška-Frank,
Prof. Gabriel Felbermayr,
Dr. Natalie Harsdorf,
Angelika Krmer

18 Comments on Legislative Projects

As part of (pre-)parliamentary consultation procedures, the AFCA provided opinions on legislative proposals related to its area of responsibility for the following draft laws:

- Data Access Act
- Electricity Industry Act, Energy Poverty Definition Act, Amendment to the Energy Control Act
- Establishment of a Service Office for Artificial Intelligence

19 Annex

19.1 Key Recommendations of the Competition Commission (CoCo) 2024

Proposals of the Competition Commission pursuant to § 16 (1) WettbG to the Federal Competition Authority (AFCA) for priorities in the discharge its tasks in the calendar year 2024:

19.1.1 Introductory Remarks

As part of the annual submission of recommendations for priorities in respect of the Austrian Federal Competition Authority's (AFCA) work, as provided for in the Austrian Competition Act (WettbG), the Competition Commission (CoCo) has taken the opportunity to highlight the areas which, in its view, require more indepth and ongoing work in the interests of fair competition. In developing these recommendations, the CoCo draws on findings from its current work as well as on information it has received, and endeavours to focus the recommendations for priorities on areas of competition policy where AFCA can be expected to derive the greatest possible benefit from in-depth treatment.

CoCo's previous recommendations can be found on AFCA's and the Federal Ministry for Labour and Economy's (BMAW) websites³ and remain largely relevant.

The current economic policy situation is characterized by numerous challenges, influenced by both domestic and foreign economic factors. High inflation, rapid changes in the labor market, market concentration in key sectors, limited energy resources, restricted energy supply and the targeted energy transition, significant shifts in global trade and supply chains, demographic developments, etc., all substantially affect the competitive landscape for businesses. Recognizing these developments and taking timely measures to strengthen competition and the performance of the Austrian economy is also the task of effective competition oversight.

3 See most recently WBK priority recommendation to the AFCA for 2023, available at <https://www.bmwet.gv.at/Wettbewerbskommission.html>

19.1.2 Priority Recommendation for 2024 – Competition Monitoring / Sector Inquiries

As in previous years, the CoCo recommends targeted competition monitoring of certain sectors, which may subsequently lead to full-scale sector inquiries. This competition monitoring may be understood in terms of market concentration monitoring, and should include the involvement of the CoCo and the Federal Ministry of Economy, Energy and Tourism.

The energy sector, online retail and service platforms were mentioned as possible sectors (see below). Another sector to be mentioned is the food sector (along the value chain). Especially in times of high inflation, competition monitoring and sector analyses can provide valuable insights into the long-term development of economically significant sectors.

19.1.2.1 Energy Sector

The energy sector is a critical component of cost for businesses, particularly those with energy-intensive production, as well as for consumers. Global shifts in energy markets also affect Austria. From a competition law perspective, reducing energy use in production, diversifying the energy market, ensuring supply independence, and increasing the use of renewable energy sources are key areas for observation and reporting.

The CoCo is aware of the AFCA's activities as part of its task force with the E-Control. In this context, the CoCo recommends that the AFCA examine the national gas and electricity markets, as well as district heating in primarily urban areas. It is particularly important to identify competition law issues, similar to an inquiry by the German Federal Cartel Office⁴. Clear statements about the competitive situation and recommended actions would be desirable. Based on this, a recommendation for necessary adjustments from a competition law perspective should be formulated.

Given the major economic impact of developments in grid-bound energy, these investigations should also address the requirements for transportation and infrastructure. Rising energy prices can have significant negative effects on the population's prosperity and jeopardize the international competitiveness of the country or certain sectors. The timely passing on of price changes, especially reductions, to the population and businesses, as well as the predictability of changes and access to diversified energy supply, must be considered.

4 Sector inquiry into district heating, final report pursuant to Section 32e GWB – August 2012, available at: [Sektoruntersuchung Fernwaerme – Abschlussbericht.pdf](#).

Additionally, the CoCo reiterates its recommendation from last year to examine whether supplier-side anticompetitive practices occurred in connection with government measures (e.g., electricity price subsidies).

Prices for gasoline, diesel and heating oil are major drivers of inflation and their increases are quickly felt on the market. The AFCA's most recent sector inquiry into the fuel market (final report August 2022) noted a tripling of the gross refining margin since the start of the Ukraine war. The CoCo recommends ongoing monitoring of the fuel market due to its high economic importance.

Due to rising prices for wood pellets and the relatively small reduction in these price increases – which appear inconsistent with market conditions and implausible – the CoCo recommends concluding ongoing investigations swiftly.

The federal government has announced mandatory replacement of oil and gas heating systems by 2040 as part of its decarbonization goals. Due to price increases and long waiting times, the CoCo considers it important to implement continuous monitoring in this area.

19.1.2.2 Food Sector

The AFCA is currently conducting a major sector inquiry into the food market, with results expected by the end of October 2023. A presentation of competition law issues as well as practical solutions – including concrete recommendations to ensure adequate competition in the food sector – is urgently needed.

19.1.2.3 E-fuelling

The AFCA has conducted a preliminary inquiry into the e-charging station sector (also prompted by the CoCo). A particular focus is recommended on the market for the construction of private and public charging infrastructure (manufacturers), and the sector should continue to be monitored after the current investigation concludes.

Despite the ongoing investigation, questions remain – especially regarding infrastructure supply, service comparability, purchase conditions, and the establishment of suitable price monitoring. Given the expected increase in market share of electric vehicles in the coming years, the interactions of various propulsion and energy forms and supply security should be more closely examined. It also remains unclear how to assess the competitive energy balance – especially for electric vehicles manufactured outside the EU – in the context of environmental factors and the energy transition.

19.1.2.4 Waste Management

The CoCo is aware of the AFCA's activities in connection with specific proceedings in the waste management sector. In light of the market opening for packaging waste collection and licensing, the CoCo (as previously mentioned last year) recommends an investigation of this process – also considering procedures and outcomes in Germany. Additionally, the competitive effects of the planned one-way deposit system for beverage containers in plastic bottles and cans (to be implemented in 2025 per §14c Waste Management Act) should be monitored.

19.1.2.5 Online Retail

Given the increasing market power of globally operating internet-based companies based outside the EU, the CoCo has in recent years recommended examining the competitive conditions in online retail and, if necessary, initiating actions to ensure fair conditions for all players (see CoCo recommendations from 2019 to 2023). This recommendation is renewed in light of the Digital Services Act⁵ and Digital Markets Act⁶.

19.1.2.6 Service Platforms

Digitisation poses new challenges for competition enforcement, especially in connection with large platforms. The CoCo recommends that the AFCA continue to monitor compliance with competition-relevant conditions on various service platforms, building on previous investigations. This should particularly include companies whose main business activity is data collection or who possess significant market power. A corresponding report from the AFCA is still pending.

19.1.2.7 Digitalization – Algorithms

The AFCA should continue to deal intensively with future topics, including the influence of algorithms. It should further expand its expertise in these areas in collaboration with the RTR and continue to focus its activities on this subject.

The various applications of algorithms in the digital economy carries the risk of the emergence of new forms of behavioural coordination. AFCA's active enforcement activities in the field of the digital economy are intended to generate experience and specific use cases on the basis of which the legal framework can be adapted in the future.

5 Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act).

6 Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act).

19.1.2.8 Bid-rigging

Bid-rigging not only harms the contracting entity – and thus often taxpayers – but can also lead to market foreclosure. By identifying and pursuing such agreements, particularly in public procurement processes, the AFCA can have both specific and general deterrent effects. This benefits both Austria's business environment and end consumers. The focus should also be on the procedural interaction between public procurement and competition law, and on awareness-building and prevention.

The CoCo is aware of some procedures arising from violations of procurement regulations and emphasizes that the control of public competition through public procurement monitoring is a key part of competition law. Knowledge of EU directives on public procurement is crucial for the AFCA's tasks. Some of the AFCA's recent investigations were based on findings by public procurement control bodies.

In this regard, the AFCA should systematically analyze the findings of procurement control bodies and take appropriate competition law violations as a basis for further investigations. It is essential to ensure that relevant deadlines are observed so that any potential claims for damages are not time-barred.

19.1.2.9 Concluding Remarks

Reliable and efficient enforcement of competition law is a significant advantage for Austria as a business location. AFCA should therefore continue to guarantee its independence, efficiency, transparency and rapid procedures.

The CoCo thanks the AFCA for the exchange of thoughts and experiences and wishes it continued success in its efforts to improve competitive conditions.

Vienna, 25 September 2023

Hon.-Prof. DDr. Jörg Zehetner
Chairman of the Competition Commission

19.2 File Accrual in 2024

Table 7: File Accrual in 2024, Source: AFCA

File Accrual 2024	1st Q	2nd Q	3rd Q	4th Q	TOTAL
National Cases					
Market Investigation	1	0	1	0	2
Investigations, Forensic IT	0	1	2	1	4
European Competition Network	26	33	29	39	127
ECJ proceedings	12	13	9	9	43
FWBG	4	6	4	13	27
Dawn Raids	0	0	1	0	1
International Affairs	16	16	23	13	68
Interchange fees	6	3	1	0	10
Cartel cases	16	5	20	27	68
Market power abuse proceedings	20	16	23	23	82
ORF Act	0	0	0	0	0
Parliamentary inquiries	7	6	10	5	28
Unfair Competition Act (UWG) Proceedings	11	24	22	36	93*
Prohibited implementation of mergers	5	5	8	6	24
Whistleblowing reports	27	27	13	27	94
Merger registrations	75	91	101	85	352
European Cases					
Merger Cases (EU) - EM	54	64	74	142	371
Cartels (EU) - EC	2	3	1	4	17
TOTAL National Cases and Cases in Europe					1,411

*parallel proceedings are not counted twice in other types of proceedings

19.3 Fining Decisions in Austria in the Last Five Years

Table 8: Fining Decisions in Austria in the Last Five Years, Source: AFCA

Line of business	Company	Fines in €	Year	Case number
Cartel agreements				
Construction Industry	Pichler Bau GmbH	110.000	2024	25 Kt 4/24m
Construction Industry	Malaschofsky	98.000	2024	24 Kt 6/24y
Facade construction	Riegerbau GmbH	43.000	2024	24 kt 9/23p
Joinery and cabinetmaking services	Pirkl	65.000	2024	16 Ok 6/23b
Construction Industry	Leithäusl Gesellschaft m.b.H	1.250.000	2024	127 kt 2/24t
Construction Industry	Leyrer + Graf	5.800.000	2024	25 Kt 11/23i
Construction industry	Bodner	1.000.500	2024	28 Kt 3/24m
Welding technology	Fronius	3.000.000	2024	27 Kt 1/23h
Market Studies	KARMASIN RESEARCH & IDENTITY GMBH/BB Research Affairs GmbH	50.000	2024	16Ok7/23z
Construction industry	Fröschl	1.400.000	2024	24 Kt 3/23f
Construction industry	Beyer/Mandlbauer	1.100.000	2024	28 Kt 10/23i
Construction industry	Steiner Bau Gesellschaft m.b.H	1.300.000	2024	26 Kt 1/24b
Welding technology	Zultner	505.000	2024	127 Kt 7/123a
Welding technology	Haberkorn	870.000	2024	26 Kt 6/23m
Facade construction	Simsek Bau GmbH	63.000	2024	25 Kt 3/23p
Construction industry	Hitthaller + Trixl	1.360.000	2023	127 Kt 5/23g
Industrial sugar	Südzucker AG	4.200.000	2023	27 Kt 9/22h 27 Kt 10/22f
Construction industry	Gebrüder Haider	3.510.000	2023	24 Kt 8/22i
Construction industry	Granit Holding GmbH Bauunternehmung Granit Gesellschaft m.b.H. Klöcher Baugesellschaft m.b.H.	9.800.000	2023	28 Kt 7/23y
Joinery and cabinetmaking services	Swietelsky	27.150.000	2023	24 Kt 10/22s
Market Studies	Beinschab GmbH	6.000	2023	28 Kt 2/23p
Joinery and cabinetmaking services	Pittel + Brausewetter GmbH	4.810.000	2023	26 Kt 3/23w
Joinery and cabinetmaking services	Tischlerei Lechner GmbH	100.000	2022	27 Kt 6/22t

Line of business	Company	Fines in €	Year	Case number
Cartel agreements				
Construction Industry	HABAU Group HABAU Hoch- und Tiefbaugesellschaft m.b.H./Held & Francke Baugesellschaft m.b.H./ÖSTU-STETTIN Hoch- und Tiefbau GmbH/STRAKA Bau GmbH)	26.330.000	2022	28 Kt 6/20x
Joinery and cabinetmaking services	Thalia Buch & Medien GmbH	100.000	2022	25 Kt 4/22h
Joinery and cabinetmaking services	Tischlerei Krumböck GmbH	128.000	2022	26 Kt 5/22p
Facade construction	NFS Bau GmbH	54.000	2022	128 Kt 1/22z
School bags	Kastner & Öhler Beteiligungs-Aktiengesellschaft Kastner & Öhler AG Kastner & Öhler Mode GmbH	70.000	2022	24 Kt 1/22k
Submetering services	ista Österreich GmbH	2.200.000	2022	25 Kt 1/22t
Submetering services	R+S Group Regeltechnik und Schaltanlagenbau GmbH	50.000	2022	26 Kt 1/22z
Joinery and cabinetmaking services	Norer Tischlereigesellschaft GmbH	69.000	2022	127 Kt 1/22t
Construction industry	PORR Group	62.350.000	2022	26 Kt 5/21m
Construction industry	STRABAG AG; F. Lang u. K. Menhofer Baugesellschaft m.b.H. & Co. KG	45.370.000	2021	27 Kt 12/21y
School bags	Fond Of GmbH	340.000	2021	25 Kt 5/21d
Pool cleaning equipment	Zodiac Marine & Pool (Zodiac Pool Systems, Inc.)	294.000	2020	25 Kt 3/20h
Bikes	Specialized Europe B.V.	378.000	2020	128 Kt 2/19t
Illegal mergers				
Line of Business	Palmers AG	120.000	2024	25 Kt 4/23k
Manufacturing / production of goods	Lenzing AG	75.000	2024	28 Kt 2/24i
Manufacturing / production of goods	Granit Holding GmbH	28.000	2024	25 Kt 5/23g
Building trade / construction	Vivendi SE	120.000	2023	25 Kt 4/23k
Information and communication	Oras Invest Oy	85.000	2023	28 Kt 6/23a
Manufacturing / production of goods	ADOMO Beteiligungs GmbH	85.000	2023	24 Kt 9/22 m
Provision of other economic services	ADOMO Beteiligungs GmbH	65.000	2023	25 Kt 12/22 k
Information and communication	Heise Medien GmbH & Co. KG	18.000	2022	25 Kt 9/22v

Line of business	Company	Fines in €	Year	Case number
Cartel agreements				
Fastening technology	SFS Gruppe	220.000	2022	24 Kt 3/22d
Manufacturing / production of goods	Ondufin SAS	64.000	2021	27 Kt 13/21w
Manufacturing / production of goods	Naxicap Partners SA	83.000	2021	25 Kt 7/21y
Manufacturing / production of goods	SMS group GmbH	30.000	2021	25 Kt 6/21a
Information and communication	Facebook. Inc./GIPHY. Inc.	9.600.000	2021	28 Kt 6/21y
Wholesale and retail trade; repair of motor vehicles and motorcycles (line of business 1)	OneMed Holding AB/SMEDICO AG	30.000	2021	24 Kt 6/21v
Information and communication	Salesforce.com. Inc. USA	100.000	2021	27 Kt 9/21g
Manufacturing / production of goods	Castanea Rubra Assets GmbH	100.000	2020	25 Kt 2/19k
Abuse of market power				
Info mail-mass printing	Post AG	9.200.000	2024	25 Kt 1/24w
Automotive market (new car sales and workshop operations)	Peugeot Austria GmbH	15.000.000	2024	26 Kt 5/23i
	Fines/penalties in total (2002 - 2024)	441 416 508		

Source: AFCA
(Date 12/2024)

The full table of fines is available on the AFCA's website:
<https://www.bwb.gv.at/en/factual-information/fines>

20 List of Abbreviations

Table 9: List of Abbreviations

Abbreviation	Meaning
AFCA	Austrian Federal Competition Authority
Art.	Artikel (article)
CoCo	Competition Commission
DMA	Digital Markets Act
Dr.	Doctor
ECN	European Competition Network
ECMR	EU Merger Control Regulation
ELAK	Elektronischer Akt (Electronic File)
ELSA	European Law Students' Association
FBAC	Federal Bureau of Anti-Corruption
FWBG	Faires Wettbewerbsbedingungen Gesetz (Fair Competition Conditions Act)
GCR	Global Competition Review
GNCA	Georgian National Competition Agency
GmbH	Gesellschaft mit beschränkter Haftung (limited company under Austrian law)
HSchG	HinweisgeberInnenschutzgesetz (Whistleblower Protection Act)
ICN	International Competition Network
IT	Information Technology
KartG	Kartellgesetz (Cartel Act)
KG	Kartellgericht (Cartel Court)
KOG	Kartellobergericht (Cartel Supreme Court)
KommAustria	Kommunikationsbehörde (Austrian Communications Authority)
LL.M.	Master of Laws
Mag.	Magister/Magistra
OECD	Organisation for Economic Cooperation and Development
OeNB	Österreichische Nationalbank (Austrian National Bank)
ORF	Österreichische Rundfunk (Austrian Broadcasting Corporation)
Prof.	Professor/Professorin
RTR	Rundfunk und Telekom Regulierungs-GmbH (Austrian Regulatory Authority for Broadcasting and Telecommunications)
TFEU	Treaty on the Functioning of the European Union
UNCTAD	United Nations Conference on Trade and Development
UWG	Bundesgesetz gegen den unlauteren Wettbewerb (Federal Act against Unfair Competition)

