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**Competition Law Enforcement in Austria:
Institutional Set-up and Current Developments**

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Federal Competition Authority**

ACPC Study Visit - 24 Sept 2009, Vienna

Overview

- Competition Law Enforcement in Austria
- Recent Activities of the FCA
- International Activities: MCF
- Competition Policy in Times of Financial Crisis

Competition Law Enforcement in Austria

- Founded in **July 2002** > one of the youngest and smallest national competition authorities within the European Union
- **Judicial System**
 - FCA:** investigatory powers, initiates proceedings before the Cartel Court
 - Cartel Court:** adopts decision upon the FCA's application
- Reform: **Cartel Act 2005**
 - Alignment to EC Competition Law
 - Introduction of Leniency Programme

Activities of the FCA – Some Figures

- 32 members of staff (22 case handlers; approx. 75% lawyers, 25% economists and others)
- Activities (2008)
 - 1 sector inquiry
 - 7 new leniency cases
 - fines totalling EUR 77,4 Mio.
 - 275 merger notifications
 - 15 new cases on abuse of dominant position

Recent Activities

- **Leniency Cases**
- **Sector Inquiry**
Liquid fuel market in Austria
- **Merger Cases**
Media Merger Styria/Moser Holding: FCA initiated Phase II
- **Abuse of Dominant Position**
FCA opened proceedings against major providers of liquid petroleum gas
- **International Activities**
Marchfeld Competition Forum
ECA Director General's Meeting 2010 in Vienna

Marchfeld Competition Forum - Cooperation

- Initiative of FCA and Czech Office for the Protection of Competition
- Founded in July 2008
- 13 NCAs and DG Comp
- Objective: Strengthening of regional cooperation between NCAs from EU Member States as well as non-members.
- Feb 2009: Meeting on “Competition Policy in Times of Financial Crisis”, Innsbruck/Austria
- Sept 2009: Publication of a Common Position on the role of competition policy and enforcement in times of economic crisis:
<http://www.bwb.gv.at/BWB/Marchfeld+Competition+Forum/default.htm>

Global Financial Crisis – Challenges

- Risk of competition policy given lower priority by government alongside industry policy goals (pressure to save “failing firms” to preserve jobs and location of industry)
- Flexibility
- Fast Decision-Making

Global Financial Crisis – Solutions

- Improving the exchange of information through international cooperation (e.g. MCF)
- Importance of the European and International aspect
 - bilateral cooperation
 - competition advocacy
- Business Community

Thank you for your attention!

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