

Competition - Austria

FCA issues guidelines on vertical restraints

Contributed by **Preslmayr Attorneys at Law**

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On June 13 2013 the Federal Cartel Authority (FCA) published draft guidelines on vertical (pricing) restraints and invited comments from the public by August 1 2013.⁽¹⁾

While these guidelines generally reflect the law on vertical restraints as developed by statutory law and case law over many years, in referring to recent cases the FCA described certain practices in some detail and commented on their respective illegality or legality with a view to preventing future infringements. In particular, this is reflected in a code of conduct, which describes and evaluates specific activities. Following recent cases, the FCA appears to be emphasising vertical restraints that are also connected to or have as an effect horizontal coordination.

It remains to be seen how these guidelines will affect authority and industry practice, especially since the FCA and other European and national competition authorities are increasingly and more closely monitoring and investigating vertical relationships.

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Endnotes

(1) Available at

www.bwb.gv.at/Fachinformationen/Bu%C3%9Fgelder/Documents/L%20E%20I%20T%20F%20A%20D%20E%20N%20final%2012062013.pdf.

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