



Restrictive agreements on the market of dental handpieces

The Hungarian Competition Authority (Gazdasági Versenyhivatal – GVH) established that W&H Dentalwerk Bürmoos GmbH and certain of its distributors had breached EU competition rules by concluding restrictive agreements which fixed the minimum resale prices of dental handpieces. Consequently, the GVH imposed a fine of 16,100,000 HUF (approx. 53.5 thousand EUR).

The Hungarian Competition Authority investigated whether W&H Dentalwerk Bürmoos GmbH and certain of its distributors had concluded agreements to set the fixed minimum resale prices of its products. According to the information obtained by the GVH, W&H had elaborated a scheme to follow the pricing practice of its distributors. In accordance with this scheme, distributors were punished if they failed to follow the recommended pricelist by underselling. This happened in the case of UNIMET. UNIMET sold W&H products at a price which was lower than the recommended price and was punished by being excluded from the distributors group for not complying with the agreement. Compliance with the scheme was controlled by W&H's main distributor.

It constitutes a hardcore restriction, if undertakings in a vertical – buyer-supplier – relationship determine a fixed or a fixed minimum price which should be taken into account by the buyer. The GVH fined W&H 10,600,000 HUF (approximately 35,300 EUR) and FEJÉR-FOG 5,500,000 HUF (approximately 18,300 EUR) for engaging in the resale price maintenance practice. The GVH decided not to impose a fine on UNIMET, having regard to its cooperative behaviour during the procedure. In addition, the Competition Council required that the infringement be brought to an end.

The GVH terminated the proceedings regarding VICTORY-DENT, VaLID DENTAL-MEDICAL, FRONT-DENT and DENTAL-UNIO.

Dr. Gerd Wichmann KG's/ORTOLAN GmbH's responsibility for the infringement was attributed to W&H since it was an agent of W&H.

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Hungarian Competition Authority

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