



Restrictive agreements on the market of contact lenses

The Hungarian Competition Authority (Gazdasági Versenyhivatal - GVH) decided that CooperVision Optikai Cikkek Forgalmazó Kft., FOTEX-OFOTÉRT Optikai és Fotóciikk Kereskedelmi Kft., Johnson & Johnson Egészségügyi és Babaápolási Termékeket Gyártó és Forgalmazó Kft. and Novartis Hungária Egészségügyi Kft., had committed an infringement when – using the framework of market research – they exchanged information about their individual sales volumes and income that was not disclosed beyond the parties to the case. The GVH imposed a total fine of 100 million HUF (approx. 300 thousand EUR) on the involved undertakings.

In its proceeding, the GVH investigated whether the market leader undertakings of the distribution of contact lenses and accessories were operating a restrictive, information exchange system via market research services when they shared business information between each other including data about their recent income and quantities of their products sold in Hungary.

During the investigation the GVH's purpose was to determine if the undertakings' conduct was capable of restricting or distorting competition, considering the specifics of the market of contact lenses and accessories in Hungary and the specific characteristics of the information exchange. The GVH found that the undertakings, by exchanging detailed, company- and product segment-specific information – which could not be obtained from public sources – regarding their recent income and quantities sold, were operating an information system that was capable of restricting competition.

For this infringement the GVH fined CooperVision Optikai Cikkek Forgalmazó Kft. 15 400 000 HUF (approx. 51 thousand EUR), FOTEX-OFOTÉRT Optikai és Fotóciikk Kereskedelmi Kft. 48 900 000 HUF (approx. 166 thousand EUR) and Novartis Hungária Egészségügyi Kft. 34 500 000 HUF (approx. 115 thousand EUR).

Applying the leniency policy the GVH waived the fine for Johnson & Johnson Egészségügyi és Babaápolási Termékeket Gyártó és Forgalmazó Kft.

The GVH terminated its proceeding against “Kleffmann & Partner” Piackutató, Szolgáltató Kft. (market researcher company), because it could not be determined that the undertaking had committed a competition law infringement.

Case number: Vj-96/2010.

Budapest, 23 June 2014

Hungarian Competition Authority

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