

Law Nº 57, Provisions governing the opening and regulation of markets.

- [Section 11. Abuse of economic dependence and competition](#) 1

* Articles related to Competition Law.

March 5th, 2001.

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Section 11. Abuse of economic dependence and competition ➔

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1. Section 9(3) of law No 192 of 18 June 1998 is replaced by the following:

"(3) Any agreement to achieve abuse of economic dependence is null and void. The ordinary courts shall take cognisance of cases of abuse of economic dependence, including the grant of restraining orders and injunctions and the award of damages".
 2. The following is added after section 9(3) of law No 192 of 18 June 1998:

"(3-bis) Notwithstanding the possible application of section 3 of Law No 287 of 10 October 1990, the Competition Authority may issue the warnings and impose the penalties provided by section 15 of law No 287 of 10 October 1990 against any company or companies found liable for abuse of economic dependence which is relevant to the protection of competition and the free market, in response to complaints from third parties and after using its own investigative powers".
 3. The following is added after section 8(2) of law No 287 of 10 October 1990:

"2-bis. The undertakings referred to in sub-section (2) shall operate through separate companies if they intend to trade on markets other than those on which they trade within the meaning of the same sub-section (2).

2-ter. The incorporation of undertakings and the acquisition of controlling interests in undertakings trading on the different markets referred to in sub-section (2-bis) require prior notification to be submitted to the Authority.

2-quater. In order to guarantee equal business opportunities, when the undertakings referred to in sub-section (2) supply their subsidiaries or controlled companies on the different markets referred to in sub-section (2-bis) with goods or services, including information services, over which they have exclusive rights by virtue of the activities they perform within the meaning of sub-section 2, they shall make these same goods and services available to their direct competitors on equivalent terms and conditions.

2-quinquies. In the cases referred to in sub-sections (2-bis), (2-ter) and (2-quater), the Authority shall exercise its powers under section 14. When offences are committed under sections 2 and 3, the measures and the penalties provided by section 15 shall be applied.

2-sexies. In the event of failure to comply with the obligation of notification referred to in sub-section (2-ter), the Authority shall impose a fine of up to 100 million lire".

4. At the end of the second paragraph of section 15(1) of law No 287 of 10 October 1990, the words: « of no less than one per cent and no more than ten per cent» are replaced by: «up to ten percent», and the words: «from the products forming the subject-matter of the agreement or the abuse of a dominant position» are deleted.