



Price recommendation made via a platform and possible requalification as concerted practices under Swiss Competition Law

D a t e : April 4 2024, 13:30-14:45 / Hybrid / English Only

V e n u e : Room 203 at Law Building #3, Hongo Campus, The University of Tokyo

Presentation: Damiano CANAPA (Associate Professor, University of Lausanne)

Facilitator: Simon VANDE WALLE (Professor, The University of Tokyo)

Description:

The Federal Supreme Court of Switzerland [FSC], in Judgment BGE 147 II 72 of 4 February 2021, ruled that recommended prices made through a platform may qualify as a concerted practice prohibited by Article 5 of the Swiss Cartel Act: they may constitute an unlawful agreement affecting competition in the form of a concerted practice. The case concerned the pharmaceutical company Pfizer, which issued non-binding "recommended prices" for Viagra that were automatically transmitted to retailers via an electronic database system; the prices appeared to the retailers when the bar code of the product was scanned without them having to do any additional action. The FSC ruled that, where the recommended price is transmitted electronically through a platform and that coordination (i.e. the first element of any concerted practice) is proved, a concerted practice is deemed to exist when at least 50 per cent of the retailers comply with the recommended price. This Judgment was of particular interest, because it concerned a situation that had never been encountered by European Competition Authorities.

In addition to presenting the case, the conference will also discuss some compliance measures that may be applied by undertakings in order to avoid that their recommended prices qualify as illegal concerted practices.

『プラットフォームを通じて行われた販売価格推奨と スイス競争法上違法な協調的行為とみなされる可能性』

日 時 : 2024年4月4日(木) 13:30~14:45

場 所 : 東京大学本郷キャンパス 法3号館2階203会議室

▶ https://www.u-tokyo.ac.jp/campusmap/cam01_01_03_j.html

報 告 者 : Damiano CANAPA (University of Lausanne)

司 会 : Simon VANDE WALLE (東京大学)

使用言語 : 英語 (通訳なし)

開催方式 : ハイブリッド

参加申込方法 : 前日 **4日3日(水) 正午まで**に、右のQRコードもしくは
Google フォーム <https://forms.gle/qRnsfwaDF1SWVNR39> から
お申込みください。会場、Zoom URL 等ご案内は、参加登録後、
ご登録のメールアドレスにお送りいたします。



問い合わせ先 : 先端ビジネスロー国際卓越大学院プログラム事務局
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