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"The E-books case"

Abstract

In December 2012 the European Commission adopted a decision accepting commitments from Apple and four international publishers. At the time of Apple’s entry into the e-books market the publishers simultaneously switched from a wholesale model to similar agency contracts which included an unusual Most Favoured Customer clause. The Commission was concerned that the switch to agency contracts may have been coordinated between the publishers and Apple in order to raise retail prices for e-books. An interesting aspect of the case is that the alleged concerted practice that the Commission objected to concerned the joint change of business model, which according to the Commission’s analysis would have led to higher retail prices without any need for further coordination.

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