

Summary of Commission Decision
of 11 October 2007
relating to a proceeding pursuant to Article 82 of the EC Treaty
(Case COMP/B-1/37.966 — Distrigaz)
(Only the English text is authentic)

(2008/C 9/05)

- (1) On 11 October 2007, the Commission adopted a decision pursuant to Article 9(1) of Council Regulation (EC) No 1/2003 ⁽¹⁾. A non-confidential version of the integral text of the decision in the authentic language as well as the working languages of the Commission is available on the Competition Directorate-General website at the following address:
<http://ec.europa.eu/comm/competition/antitrust/cases/>
- (2) The case concerns Distrigas, currently a member of the Suez group, and its long-term gas supply agreements in Belgium. In its preliminary assessments, the Commission expressed concerns under Article 82 of the EC Treaty that Distrigas' long-term gas supply contracts would prevent customers from switching and would thereby limit the scope for other gas suppliers to conclude contracts with customers and so foreclose their access to the market.
- (3) The Commission considers that the commitments offered by Distrigas following the preliminary assessments and the observations submitted by interested third parties are sufficient to address the identified competition concerns. First, on average a minimum of 70 % of the gas volumes supplied by Distrigas and connected undertakings to industrial users and electricity producers in Belgium will return to the market each year. If Distrigas' total sales decrease from their 2007 level, then Distrigas will be able to tie a certain fixed volume of gas sales, which represents less than 20 % of the total market concerned. Secondly, contracts with industrial users and electricity producers cannot be longer than five years, however contracts relating to new power plants with a capacity exceeding 10 MW are not subject to the commitments. Thirdly, Distrigas undertakes not to conclude any gas supply agreements with resellers with a duration of over two years. Fourthly, Distrigas confirms that it will not introduce use restrictions into its supply contracts.
- (4) The decision finds that, in view of the commitments, there are no longer grounds for action by the Commission. The decision shall be binding until 31 December 2010.
- (5) The Advisory Committee on restrictive practices and dominant positions issued a favourable opinion on 17 September 2007.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 8.3.2004, p. 1).