
***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision of 22 March 2013 exempting certain services in the postal sector in Hungary from the application of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services (notified under document C(2013) 1568) (Only the Hungarian text is authentic) (Text with EEA relevance) (2013/154/EU). (See end of Document for details)*

Commission Implementing Decision of 22 March 2013 exempting certain services in the postal sector in Hungary from the application of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services (notified under document C(2013) 1568) (Only the Hungarian text is authentic) (Text with EEA relevance) (2013/154/EU)

- Article 1 Directive 2004/17/EC shall not apply to contracts awarded by contracting...
- Article 2 This Decision is addressed to Hungary.
Signature

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- (1) [OJ L 134, 30.4.2004, p. 1.](#)
- (2) The National Media and Infocommunications Authority is the national Regulatory Authority designated in accordance with Article 22(1) of Directive 97/67/EC of the European Parliament and of the Council ([OJ L 15, 21.1.1998, p. 14](#)) as amended by Directive 2002/39/EC ([OJ L 176, 5.7.2002, p. 21](#)) and by Directive 2008/6/EC ([OJ L 52, 27.2.2008, p. 3](#)).
- (3) Items of correspondence with a weight of up to 50 g and 2,5 times the public tariff for an item of correspondence in the first weight step of the fastest category.
- (4) As of 1 January 2013, full market opening is implemented in Hungary and the formerly reserved area under Article 7 of Directive 97/67/EC as amended by Directive 2002/39/EC and Directive 2008/6/EC has been abolished.
- (5) [OJ L 24, 29.1.2004, p. 1.](#)
- (6) Case No COMP/M.5152 — Posten AB/Post Danmark A/S of 21 April 2009.
- (7) A distinction could be envisaged between C2C and C2B parcel services; however, because of this close substitutability on the supply-side, it is appropriate to treat these services as one C2X service. This is also consistent with analysis adopted for Austria, Finland and Sweden in, decisions adopted pursuant to Article 30 of Directive 2004/17/EC, respectively, Commission Decisions 2010/142/EC ([OJ L 56, 6.3.2010, p. 8](#)), 2007/564/EC ([OJ L 215, 18.8.2007, p. 21](#)) and 2009/46/EC ([OJ L 19, 23.1.2009, p. 50](#)).
- (8) Decision of 30 January 2013 prohibiting the planned acquisition of TNT Express by UPS.
- (9) Case No COMP/M.5152 — Posten AB/Post Danmark A/S of 21 April 2009.
- (10) Letter of the Hungarian Authorities of 13 January 2013 (page 9, paragraph 2).
- (11) Decision 2010/142/EC, Decision 2009/46/EC, Decision 2007/564/EC.
- (12) The e-mail of the national Regulatory Authority of 21 January 2013 provides estimates of the volumes of B2X, market and separately for B2B and B2C markets based on the data requested from Magyar Posta and from its first three competitors. According to this information, in 2011, on the B2X market Magyar Posta was the second market player (35 % of market shares) following the market leader (40 % of the market shares) and followed by the third market player (15 % of market shares). In the B2C market, Magyar Posta held 51 % of market shares, while its main competitors had 26 %, 11 % and 10 % market shares respectively. In the B2B market, Magyar Posta was the third market player (16 % of market shares), while the market leaders held 57 % and 22 % respectively.
- (13) Decision 2009/46/EC, Decision 2007/564/EC, Commission Decision 2007/169/EC ([OJ L 78, 17.3.2007, p. 28](#)).
- (14) Case No COMP/M. 1794 — Deutsche Post/Air Express International, of 7 February 2000, paragraph 8.
- (15) Case No COMP/M. 5152 — Posten AB/Post Danmark, of 21 April 2009, paragraph 108.
- (16) Case No COMP/M. 1794 — Deutsche Post/Air Express International, of 7 February 2000, paragraph 9.
- (17) Case No COMP/M. 3496 — TNT forwarding Holding AB/Wilson Logistics Holding AB.
- (18) Case No COMP/M. 1895 — Ocean Group/Exel, of 3 May 2000, paragraphs 8 and 9.
- (19) Case No COMP/M. 3971 — Deutsche Post/Exel, of 24 November 2005, paragraph 20.
- (20) Case No COMP/M.5152 — Posten AB/Post Danmark A/S, of 21 April 2009, Case No COMP/M.3971 — Deutsche Post/Exel, etc.
- (21) Letter of the Hungarian Authorities, of 13 January 2013, page 3.
- (22) According to page 20 of the application Magyar Posta has a network of 2735 postal outlets across the country. According to the letter received from Magyar Posta on 20 November 2012, the main competitor has a network of 372 collection points, while another competitor recently reached 400 points collection points.
- (23) Letter of the Hungarian Authorities, of 13 January 2013, page 8.
- (24) E-mail of the national Regulatory Authority of 21 January 2013.

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- (25) When measured by volume, Post's market share in 2008 was of the order of approximately 43 %.
- (26) The same reasoning was applied in previous Decisions, see e.g. recital 11 of Decision 2010/142/EC.
- (27) Letter of the Hungarian Authorities of 13 January 2013, page 10.
- (28) I.e. DHL Group, Kuhne Nagel Kft, Liegl&Dachser Kft, Gebrüder Weiss Szállítmányozási és Logisztikai Kft; Waberer's Group; Trans-Sped Group; Masped Group, etc.

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