

The CCL's litigation nominated in GCR Awards 2019

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The Competition Council of Latvia litigation against the collective copyright management association AKKA/LAA for excessive pricing was nominated as “Enforcement action of the year” in GCR Awards 2019.

In 2013, Latvia's Competition Council fined copyright management association AKKA/LAA €32,000 for excessive pricing. The Latvian enforcer had investigated the association to compare its Latvian prices with rates set for the performance of musical works in shops and service centres in other EU member states, and found prices in Latvia were higher compared to those in multiple other countries. On appeal, AKKA/LAA argued that the enforcer could not compare prices within Latvia with prices in other EU member states when analysing excessive pricing. In 2017, the European Court of Justice issued a landmark advisory opinion confirming that comparing prices between EU member states is a valid way to determine whether prices may be abusively excessive. Based on this opinion, the Latvian Supreme Court in 2018 concluded the enforcer used the correct analysis when determining AKKA/LAA's prices were excessive, and upheld the fine. The case provided clarification and guidance regarding excessive pricing, and set a precedent across the EU for enforcers to compare prices among EU member states in their own analyses.

For the nomination “Enforcement action of the year” there were competition between the CCL, European Commission's Android decision, US Federal Trade Commission and Washington State attorney general.

The winner of “Enforcement action of the year” became European Commission's Android decision.

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