

NEWS | 13 April 2022

Curia in Hungary rejects Nitrogénművek Vegyipari Zrt's application for suspension of enforcement

The Hungarian Competition Authority ('HCA') fined Nitrogénművek Vegyipari Zrt. and its affiliates (the group) 11 billion HUF after the Curia of Hungary rejects the group's request for suspension of enforcement.

Record fine for anti-competitive conduct

Do you remember the news item on anti-competitive conduct affecting the Hungarian artificial fertilizer market? A little reminder: In October 2021, the HCA imposed a fine of 14.1 billion HUF on the group and other market players involved for having systematically coordinated anti-competitive conduct on the Hungarian fertiliser market, in particular by concluding strategic framework agreements setting resale prices for retailers and prescribing minimum purchase amounts or including exclusivity clauses.

Do you want to know more about this fine, consult the original news item [here](#).

The group's petition for interim relief

Half of the parties involved in the HCA's investigation voluntarily admitted to the cartel. The others have already paid or are paying the fines imposed.

However, Nitrogénművek Vegyipari Zrt. challenged the HCA's decision in court. It filed an application for interim relief to suspend enforcement of the decision, including the payment of the fine, pending the conclusion of the expected lengthy court proceedings.

An interim relief shall be granted by the court in case the applicant establishes, on the basis of the facts underlying the application, that its right or legitimate interest is infringed by the administrative act and the suspension of enforcement is therefore intended to avert an imminent threat of harm which the act may cause.

The group hence argued that unless enforcement of the HCA's decision is suspended until a final decision is taken in the court proceedings, their operations will be restricted and even impeded by the fact that they will have to pay the immense fine imposed without any delay.

Decision of the Curia

The courts examined the group's arguments and came to a unanimous decision: first the Metropolitan Court of

Budapest and then the Curia - with a final effect - rejected Nitrogénm?vek's request for interim relief, since they did not find it proven that the group's operations would be effectively impeded by the fine. Nitrogénm?vek must therefore immediately pay the full amount of the fine, irrespective of the outcome of the court proceedings, with a late payment penalty that has accumulated since the original deadline.