

News story: Consultation on solving online auction competition concerns

The CMA is consulting on ATG Media's proposal to change its practices to address concerns it unlawfully shut rivals out of the market.

ATG Media is the largest provider of live online bidding platforms in the UK. These platforms are used by auction houses to allow people to bid online, while an auction is ongoing, without having to be there in person.

Last November the Competition and Markets Authority (CMA) opened an investigation into concerns that the company's practices may be anti-competitive. In particular, the concerns were that ATG Media may be excluding rivals from the market by:

- requiring exclusivity from its auction house customers (that is, stopping them from also using competing platforms)
- preventing its auction house customers from allowing bidders to use rival platforms at lower cost (a form of 'most favoured nation' or 'parity' provision)
- preventing auction houses from advertising and promoting the services of competitors to ATG Media

ATG Media has offered legally binding assurances (known as commitments) to remove all of these restrictions. The CMA considers that the proposed commitments address the competition concerns identified, but first invites comments from those who are likely to be affected. If accepted by the CMA, the commitments will bring the investigation to an end.

Further details about how to respond to this consultation are set out in the [notice](#) of the proposed commitments, which the CMA has issued today. Further details about the CMA's investigation can be found on the [case page](#). Comments on the proposed commitments should be received by no later than 19 June 2017.

Notes for editors

1. The CMA is the UK's primary competition and consumer authority.
2. The Chapter I prohibition in the Competition Act 1998 (the Act) prohibits anti-competitive agreements and concerted practices between businesses which have as their object or effect the prevention, restriction or distortion of competition within the UK. The Chapter II prohibition in the Act prohibits the abuse of a dominant position by one or more companies which may affect trade within the UK or a part of it. Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU) contain equivalent provisions applicable where there may be an effect on trade between EU Member States.
3. On 22 November 2016, the CMA launched an investigation into suspected breaches of competition law in respect of the supply of auction services

in the UK. The investigation is under Chapters I and II of the Act, and Articles 101 and 102 TFEU. The investigation relates to suspected anti-competitive agreement(s) or concerted practice(s) and suspected abuse of dominance in the supply of auction services in the UK, in particular, suspected exclusionary and restrictive pricing practices, including most favoured nation provisions in respect of online sales.

4. Where the CMA has begun an investigation under section 25 of the Act, it may accept commitments to take such action as it considers appropriate for the purposes of addressing the competition concerns it has identified. If the CMA proposes to accept the commitments offered, the CMA will consult those who are likely to be affected by them and give them an opportunity to give the CMA their views. The CMA will take any such representations into account before making a final decision on whether to accept the commitments.
5. Formal acceptance of commitments would result in the CMA terminating its investigation and not proceeding to a decision on whether the Act or the TFEU has been infringed.
6. The CMA also received an application under section 35 of the Act for interim measures in connection with this case. Formal acceptance of commitments would make the giving of any interim measures directions superfluous.