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Bundeskartellamt opens up the Puttgarden-Rødby ferry route to competition

With its decision of 27 January 2010 the Bundeskartellamt has required Scandlines Deutschland GmbH, the owner of Puttgarden ferry port and sole provider of ferry services on this route, to provide other ferry companies with the opportunity to establish an additional ferry service on the Puttgarden-Rødby route. Competitors will have to be granted access to the essential facilities against adequate remuneration.

The Norwegian shipping companies Bastø Fosen and Eidsiva had submitted a request to this effect to Scandlines Deutschland GmbH which was refused. The shipping companies subsequently filed a formal complaint with the Bundeskartellamt.

Scandlines has so far been the sole supplier of ferry services on the Puttgarden-Rødby route and therefore dominates the market. The Bundeskartellamt's decision clarifies that the refusal to grant third parties the opportunity to set up an additional ferry service violates the Act against Restraints of Competition (Section 19 (4) no. 4 ARC). A dominant company must allow another company access to its infrastructure facilities against adequate remuneration if the other company is unable for legal or factual reasons to become active on the downstream market as a competitor of the dominant company.

The decision requires Scandlines to enter into negotiations with the Norwegian shipping companies within a certain period of time and to agree on terms and conditions enabling the companies to set up an additional ferry service from the port of Puttgarden in order to be able to compete against Scandlines on the Puttgarden-Rødby route.

The Bundeskartellamt's decision is not yet final; it can be appealed against by Scandlines.