

16 April 2013  
Company announcement no 06-13

## **North Media A/S decides not to pursue the action for damages against Post Danmark**

In Company announcement no 03-13 of 15 February 2013, North Media A/S provided information about the Danish Supreme Court's ruling of 15 February 2013 in the proceedings commenced by Post Danmark A/S against the Danish Competition Council.

Notwithstanding that, through its ruling of 15 February 2013, the Supreme Court did not give judgment in favour of Post Danmark A/S for abusing its dominant position, but decided, however, to revoke the Danish Competition Council's decision in this respect for other reasons, North Media A/S has decided to give up the action for damages brought before the Supreme Court and left the calculation of costs to be decided in detail by the Supreme Court, of which the Supreme Court has been informed today.

Through its decision of 29 December 2004, the Competition Council established that, for example, Post Danmark A/S had abused its dominant position in the market for unaddressed printed matter by offering Forbruger-Kontakt a-s' (now FK Distribution A/S) customers lower prices than those offered by Post Danmark A/S to its own customers and without Post Danmark A/S being able to substantiate the differences in prices. The Competition Council's decision was affirmed by the Danish Competition Appeals Tribunal through its decision of 1 July 2005 and by the Danish Eastern High Court's ruling of 21 December 2007. During the legal proceedings brought before the Supreme Court, preliminary matters were referred to the Court of Justice of the European Union, which stated in its ruling of 27 March 2012 that this could be a case of dominant position abuse, but that it would be necessary to take into account prices charged and costs incurred when adjudicating the case. As appears from Company announcement no 03-13 of 15 February 2013, the Supreme Court revoked the Competition Council's decision of 29 September 2004 with respect to this matter, referring to the Competition Council not having applied the test subsequently specified by the Court of Justice. Conversely, the Supreme Court rejected Post Danmark A/S' claim that it should be established that Post Danmark A/S had not been abusing its dominant position. Accordingly, the Competition Council's decision was revoked, but it was not established that Post Danmark A/S had not been abusing its dominant position by offering lower prices to Forbruger-Kontakt a-s' customers than those offered to its own customers.

As also appears from the company announcement of 15 February 2013, Forbruger-Kontakt a-s was awarded damages of DKK 75 million and DKK 4 million in legal costs in a related action for damages by way of the Eastern High Court's ruling of 20 May 2009. The Eastern High Court held that, based on established abuse of a dominant position, a basis of liability could also be established on the part of Post Danmark A/S. Post Danmark A/S appealed against the ruling made in the action for damages with the Supreme Court, awaiting the Court's ruling that was made on 15 February 2013 in the proceedings involving Post Danmark A/S and the Competition Council.

North Media A/S has not recognised the damages awarded by the Eastern High Court as income, and the legal costs have been expensed on a continuing basis.

Please contact Mads Dahl Andersen, CEO of FK Distribution, at +45 43 43 99 00, for further information.

Yours faithfully  
North Media A/S

Lars Nymann Andersen  
Chief Executive Officer

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