



汽车行业的竞争执法： 横向协议

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European
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EU Competition Law
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Brussels, 2011

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技术转让协议规则

1032

Official Journal of the European Communities

No L 285/46

Official Journal of the European Communities

29.12.71

REGULATION (EEC) No 2821/71 OF THE COUNCIL

of 20 December 1971

on application of Article 85 (3) of the Treaty to categories of agreements, decisions and concerted practices

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 87 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas Article 85 (1) of the Treaty may in accordance with Article 85 (3) be declared inapplicable to categories of agreements, decisions and concerted practices which fulfil the conditions contained in Article 85 (3);

Whereas the provisions for implementation of Article 85 (3) must be adopted by way of regulation pursuant to Article 87;

Whereas the creation of a common market requires that undertakings be adapted to the conditions of the enlarged market and whereas co-operation between undertakings can be a suitable means of achieving this;

Whereas agreements, decisions and concerted practices for co-operation between undertakings which enable the undertakings to work more rationally and adapt their productivity and competitiveness to the enlarged market may, in so far as they fall within the prohibition contained in Article 85 (1), be exempted therefrom under certain conditions; whereas this measure is necessary in particular as regards agreements, decisions and concerted practices relating to the application of standards and types, research and development of products or processes up to the stage of industrial application, exploitation of the results thereof and specialisation;

Whereas it is desirable that the Commission be enabled to declare by way of regulation that the provisions of Article 85 (1) do not apply to those categories of agreements, decisions and concerted practices, in order to make it easier for undertakings to co-operate in ways which are economically desirable and without adverse effect from the point of view of competition policy;

Whereas it should be laid down under what conditions the Commission, in close and constant liaison with the competent authorities of the Member States, may exercise such powers;

Whereas under Article 6 of Regulation No 17¹ the Commission may provide that a decision taken in accordance with Article 85 (3) of the Treaty shall apply with retroactive effect; whereas it is desirable that the Commission be empowered to issue regulations whose provisions are to the like effect;

Whereas under Article 7 of Regulation No 17 agreements, decisions and concerted practices may by decision of the Commission be exempted from prohibition, in particular if they are modified in such manner that Article 85 (3) applies to them; whereas it is desirable that the Commission be enabled to grant by regulation like exemption to such agreements, decisions and concerted practices if they are modified in such manner as to fall within a category defined in an exempting regulation;

Whereas the possibility cannot be excluded that, in a specific case, the conditions set out in Article 85 (3) may not be fulfilled; whereas the Commission must have power to regulate such a case in pursuance of Regulation No 17 by way of decision having effect for the future;

¹ OJ No 13, 21.2.1962, p. 204/62.

卡特尔

宽恕

2006 通知

确定罚款

2006 年指南

处理程序

622/2008号条例

2008年通知



一般问题

卡特尔

卡特尔：发现违法行为

依据职权开展调查

投诉、密报

从其他机构收到的信息

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宽恕申请

揭发者

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卡特尔：调查

检查

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宽恕文件

检查文件

索取资料

举证责任

证明标准

案件成形

国际合作

卡特尔：宽恕

通过完全豁免（100%）或大幅减少罚金（30%-50%，20%-30%，20%以下），以换取自愿披露信息

豁免申请人：首先提交证据，确保委员会能够进行检查/发现违规行为

后续申请人：提交“具有重大附加值的”证据

在委员会的整个执法程序期间开展全面、持续和迅速合作，并不再参与卡特尔

没有采取其他措施强迫过其他企业参与卡特尔才可能被豁免



European
Commission

The leniency programme

The European Commission operates a leniency programme for companies. See <http://ec.europa.eu/competition/leniency/>.

If the cartel is only national in scope, it will usually be the responsibility of the national competition authority of the Member State concerned. All national competition authorities operate their own leniency programmes.

See http://ec.europa.eu/competition/ecnc/competition_authorities.html

In order to fully understand the implications the leniency programme can have for your company, it is advisable to seek expert legal advice prior to contacting the European Commission or any national competition authority.

LENIENCY IN EU COMPETITION CASES

If your company wants to discuss a potential application under the European Commission's leniency programme, call: +32 2 298.41.90 or +32 2 298.41.91.

If your company wants to submit an application it can do so through the dedicated leniency fax: +32 2 299.45.85. The telephones are monitored from 09.00 to 17.00 on working days (in Brussels). Outside of these times, please use the leniency fax.

All communications are confidential.



Competition



The European
Commission's

leniency
programme

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Competition

2-HE-086-11-23-04



other
publications
and subscriptions

<http://ec.europa.eu/competition/publications>

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What is a cartel?

Cartels are secret agreements between competitors to fix prices, limit production, or share markets or customers, including bid-rigging, and are illegal in all EU Member States under both EU and national laws.



Why are cartels illegal?

Cartels increase prices and reduce incentives to offer new products and better services.

Why should I be worried?

Finding and punishing cartels is a top enforcement priority for the European Commission and national competition authorities.

The European Commission imposes heavy fines on cartelists, of up to 10% of their total turnover in the preceding business year.

From 2007 to 2011, the Commission imposed over €10.6 billion in fines.

In the period 2007-2011, the national competition authorities issued 93 cartel decisions.

Some examples

The Commission has fined:

- fourteen international groups of air freight forwarding companies €169 million for fixing prices and other trading conditions (2012)
- three producers of washing powder over €315 million for price fixing (2011)
- six liquid crystal display panel producers over €648 million for price fixing (2010)
- eleven air cargo carriers over €799 million for price fixing (2010)
- two gas energy incumbents over €1 billion for market sharing (2009)
- car glass producers over €1.3 billion (2008)
- four members of a lift and escalator cartel over €990 million for bid rigging, fixing prices and allocating projects to each other, sharing markets and exchanging commercially important and confidential information (2007)

If my company is involved in a cartel, do I have to worry about anything other than a heavy fine?

The European Commission's finding that a company has been party to a cartel can seriously damage the company's **reputation and corporate image**. The Commission's investigation and its findings can also trigger **court actions for compensation** by consumers or customers.

If I am personally involved in or have knowledge of a cartel my company is involved in, what are the risks for me?

Companies today are likely to dismiss or otherwise sanction staff or officers found to be involved in a cartel and who do not report it to their superiors. Some national competition laws also provide for sanctions on individuals, ranging from disqualification as directors to terms of imprisonment.

What are the risks of getting caught?

Competition authorities are constantly on the lookout for signs of cartel behaviour and initiate many investigations as a result. In addition, hundreds of companies have sought immunity from fines from the Commission and national authorities by being the first to report their involvement in a cartel. Internal audits, management changes and M & A activity in any of the companies participating in a cartel can lead to the cartel being reported at any moment.

How can you keep your company out of a cartel?

You should consider setting up a compliance strategy tailored to your specific risk exposure. Make this strategy available to all staff, from employees to middle and top management. It will raise awareness of potential conflicts with competition rules and should provide regularly updated guidance to staff. This could prevent your company from participating in a cartel! See the brochure "Compliance Matters" for more information: <http://ec.europa.eu/competition/antitrust/compliance/>.

What to do if my company is in a cartel?

Through the European Commission's **leniency programme**, the **first** company to report its involvement in a cartel to the Commission can obtain immunity from fines. Make sure your company does report, before another cartel participant does so.

线束卡特尔 (2013)

日本住友作为五大卡特尔之一并未受到处罚, 因为其向委员会揭露存在卡特尔因此按照委员会2006年宽恕通知而免于处罚

[...]

日本住友因揭露存在卡特尔而免于处罚, 并因此避免因参与五种违规而面临的291 638 000 欧元罚金

2013年7月新闻发布



EUROPEAN COMMISSION
PRESS RELEASE

Brussels, 10 July 2013

Antitrust: Commission fines producers of wire harnesses € 141 million in cartel settlement

The European Commission has fined the car parts suppliers Sumitomo, Yazaki, Furukawa, S-Y Systems Technologies (SYS) and Leoni a total of € 141 791 000 for operating five cartels for the supply of wire harnesses to Toyota, Honda, Nissan and Renault. Wire harnesses conduct electricity in cars, for instance to start the motor, to open the window or to switch the air-conditioner on. They are often described as the 'central nervous system' of the car. The cartels covered the whole European Economic Area (EEA).

Sumitomo was not fined for any of the five cartels as it benefited from immunity under the Commission's [2006 Leniency Notice](#) for revealing the existence of the cartels to the Commission. All other companies received reductions of their fines for their cooperation in the investigation under the Commission's leniency programme. Since the companies agreed to settle the case with the Commission, their fines were further reduced by 10%.

Commission Vice President in charge of competition policy, Joaquín Almunia, said: "The cartelised car parts were sold to Toyota, Honda, Nissan and Renault including for cars produced in Europe. Today's decision shows the first results in the Commission's wider investigative effort to detect and sanction any illegal cartels in markets for car parts. Such cartels may harm the competitiveness of the automotive industry and artificially inflate prices for final buyers of cars".

The companies coordinated the prices and allocation of supplies of wire harnesses to the respective car manufacturers. The cartel contacts took place both in Japan and in the EEA:

- For Toyota and Honda, the participants rigged a series of tenders for the supply of wire harnesses, including all tenders for supplies to the European manufacturing facilities published during the cartel period.
- For Nissan and Renault, the participants rigged – or attempted to rig – single tendering procedures for some individual models.

Sumitomo, Yazaki, Furukawa, SYS and Leoni were involved in one or several of the infringements. The duration of the cartels varied. The below table provides an overview of the overall duration and participants for each of the infringements (duration for individual participants in each of the infringement may vary):

汽车行业近期卡特尔调查

案件决定

- 汽车玻璃案 (2008)
- 线束案 (2013)

正式检查

- 汽车和工业用轴承 (2011)
- 安全系统 (安全带、气囊和方向盘) (2011)
- 热力系统 (2012)
- 照明 (2012)

“欧盟委员会确认，2012年5月22日，委员会官员对热力系统和相关产品行业的公司实施突袭检查。热力系统是向汽车制造商销售的空调和发动机冷却产品。委员会已经注意到，相关公司已经违反了禁止卡特尔和限制企业行为等欧盟反垄断规则（第101条欧盟运行条约）”

2012年7月13日新闻



EUROPEAN COMMISSION

MEMO

Brussels, 13 July 2012

Antitrust: Commission confirms unannounced inspections in the sector of thermal systems for cars

The European Commission can confirm that on 22 May 2012 Commission officials undertook unannounced inspections at the premises of companies active in the thermal systems and related products industry. Thermal systems are air conditioning and engine cooling products sold to car manufacturers. The Commission has concerns that the companies concerned may have violated EU antitrust rules that prohibit cartels and restrictive business practices (Article 101 of the Treaty on the Functioning of the European Union).

The Commission officials were accompanied by their counterparts from the relevant national competition authority.

This inspection is part of a wider ongoing investigation that the Commission is carrying out into alleged cartels in the car parts sector. Previous inspections related to wire harnesses (see [MEMO/10/49](#)), occupant safety systems (see [MEMO/11/395](#)) and bearings (see [MEMO/11/766](#)).

Unannounced inspections are a preliminary step into suspected anticompetitive practices. The fact that the Commission carries out such inspections does not mean that the companies are guilty of anti-competitive behaviour nor does it prejudice the outcome of the investigation itself. The Commission respects the rights of defence, in particular the right of companies to be heard in antitrust proceedings.

There is no legal deadline to complete inquiries into anticompetitive conduct. Their duration depends on a number of factors, including the complexity of each case, the extent to which the undertakings concerned co-operate with the Commission and the exercise of the rights of defence.

汽车玻璃

案例研究

案例 COMP/39.125 — 汽车玻璃

12.11.2008决定

主体：分属于4家企业的18个法律实体

违规：协商分配合同、定价政策与供应
政策协调

范围：EEA

期限：1998年3月至2003年3月

总罚金：€ 1 354 896 000

25.7.2009

EN

Official Journal of the European Union

C 173/13

Summary of Commission Decision of 12 November 2008⁽¹⁾

relating to a proceeding under Article 81 of the Treaty establishing the European Community and
Article 53 of the EEA Agreement
(Case COMP/39.125 — Car glass)

(Only the English, French and Dutch texts are authentic)

(2009/C 173/08)

I. INTRODUCTION

- On 12 November 2008, the Commission adopted a decision relating to a proceeding under Article 81 of the EC Treaty. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets.
- A non-confidential version of the decision is available on the Directorate-General for Competition's website at the following address: <http://ec.europa.eu/competition/antitrust/cases/index.html>

II. CASE DESCRIPTION

1. Procedure

- This case started as an *ex officio* investigation. Inspections were carried out on 22 and 23 February 2005 at the premises of companies belonging to the Glaverbel (Asahi's subsidiary, recently renamed AGC Flat Glass Europe), Saint-Gobain, Pilkington and Soliver groups. On 15 March 2005, the Commission carried out a second round of inspections at the premises of Saint-Gobain and Pilkington. In between the two rounds of inspections, on 22 February and 9 March 2005, Glaverbel and Asahi respectively applied for immunity from fines or, in the alternative, reduction of fines.
- Several written requests for information were addressed to the undertakings involved in the anti-competitive arrangements. The Commission rejected Asahi's and Glaverbel's request for immunity under point 8 of the Leniency Notice and informed them that it intended to grant them a reduction of 30-50 % of any fines.
- The Statement of Objections was adopted on 18 April 2007 and notified to the parties. An oral hearing was held on 24 September 2007. All four groups of companies participated in the hearing.

- The Advisory Committee on Restrictive Practices and Dominant Positions met on 1 July and on 7 November 2008 and issued a favourable opinion⁽²⁾.

2. Summary of the infringement

- Automotive glass or carglass is made from float glass, which is the basic flat glass product category. The automotive products consist of different glass parts such as windscreens, sidelights (windows for front and back doors), backlights (rear window), quarter lights (back window next to rear door window), and sunroofs. The glass parts can moreover be tinted in different colour grades as opposed to clear glass. 'Privacy' glass, or 'dark tail' glass, is a specific category of tinted glass which reduces light and heat transmission inside the car.
- The decision concerns the supply of carglass for first assembly or replacement to manufacturers of light vehicles, in particular passenger cars and light commercial vehicles, the so-called 'original equipment' market (OE-market). Customers were basically all major groups of car manufacturers with European production. There are very few global groups manufacturing carglass, among them AGC, Pilkington and Saint-Gobain, which are also by far the three leading suppliers in Europe. Other suppliers like Soliver have a rather regional footprint.
- Competitive conditions for the supply of carglass to car manufacturers are homogenous at EEA level. Therefore, the OE carglass market is considered to be EEA-wide. The total sales of carglass in the EEA amounted to more than EUR 2 billion in 2002, that is the last full year of the infringement.
- The addressees referred to below participated in a single and continuous infringement of Article 81 of the Treaty and Article 53 of the Agreement on the European Economic Area (hereinafter 'EEA Agreement'). The infringement consisted in concerted allocation of contracts concerning the supply of carglass for all major car manufacturers in the EEA, through coordination of pricing policies and supply strategies aimed at maintaining an overall stability of the parties' position on the market

⁽¹⁾ Reference is made to the Commission Decision C(2008) 6815 final of 12 November 2008 as amended by two corrections adopted respectively on 4 December 2008 and 11 February 2009.

⁽²⁾ See OJ C , ...,2009, p.

背景

汽车玻璃用于汽车行业，拥有多种形状和尺寸（例如汽车风挡、边灯、后灯和遮阳板）；向汽车制造商供应汽车玻璃用于首次装配或替换

当事方：

AGC（旭硝子公司；旭硝子平板玻璃公司欧洲；AGC汽车欧洲；格法玻璃；Glaverbel意大利；Splintex 法国；Splintex 英国；AGC 汽车德国）*

圣戈班（La Compagnie de Saint-Gobain；圣戈班玻璃法国；圣戈班Sekurit 德国；圣戈班 Sekurit 法国）

皮尔金顿（皮尔金顿集团；皮尔金顿汽车；皮尔金顿汽车德国；皮尔金顿控股；皮尔金顿意大利）

索利沃

** Some entities changed names in the meantime*

按职责调查

突袭调查 (02/2005)

宽恕申请: Glaverbel, Asahi (02-03/2005)

突袭调查 (03/2005)

提起诉讼 (04/2007)

(04/2007)通过异议声明

听证会 (09/2007)

通过决议 (11/2008)

违规行为

单一和持续违规

通过协调定价政策和供应战略为EEA所有大型汽车制造商的汽车玻璃供应制定共同分配合同，旨在保持各方在市场上的整体稳定性

此外，还对相关决策的实施进行监督

罚金 (2006 指南)

罚金基本数额:

按照违规期间的平均销售量计算, 通常为一年 (3个期限)

可变数量16%

期限:

变量乘以 5 (AGC 和 圣戈班), 4, 5 (皮尔金顿) 或 1, 5 (索利沃)

威慑

销售额另外增加16%的数额

罚金（续）

加重情节

屡犯： 在基础罚金上增加60%（圣戈班）

适用10%的营业额限制

对索利沃做出营业额10%的上限

宽恕（2002通知）：

免除： 拒绝 AGC申请

减少： AGC减少50%

罚金	宽恕减少数额		合计
圣戈班(法国)	0%	0	* 880 000 000
朝日(日本)	50%	113 500 000	113 500 000
皮尔金顿(英国)	0%	0	* 357 000 000
索利沃(比利时)	0%	0	4 396 000
		数额 以欧元计	1 354 896 000

* 2013年罚金修订

各案例最高卡特尔罚金

年份	卡特尔	数额(欧元)
2012	电视和计算机显示管	1 470 515 000
2008	汽车玻璃	1 354 896 000
2013	欧元利率衍生品	1 042 749 000
2007	电梯和扶梯	832 422 250
2010	空运	799 445 000

各企业最高卡特尔罚金

等级	年份	公司	数额(欧元)
1	2008	圣戈班	880 000 000
2	2012	飞利浦	705 296 000
3	2012	LG 电器	687 537 000
4	2013	德意志银行	465 861 000
5	2001	豪夫迈罗氏有限公司	462 000 000
[...]			
8	2008	皮尔金顿	357 000 000



“这些公司欺骗了汽车行业和汽车买家长达五年之久，去年市场的卡特尔总额达到20亿欧元。总体罚金较高，因为市场巨大、案件严重，且圣戈班之前曾经出现违规行为。委员会做出这样高的处罚，因为它无法也不能容忍此种非法行为。通过运行卡特尔损害消费者和欧洲工业的各个公司的管理层和股东必须以艰难的方式吸取教训——如果你进行欺骗，你将面临重罚”



Neelie Kroes
EU Commissioner
in charge of Competition Policy
(2004-2009)

后续诉讼

针对禁令决定	针对H0 保密性决定	针对访问文件被拒决定
T-68/09 索利沃/EC	T-462/12 皮尔金顿/EC	T-185/12 HUK Coburg/EC
T-72/09 皮尔金顿 /EC	T-465/12 AGC/EC	T-419/12 LVM/EC
T-56 和 73/09 圣戈班/EC		T-420/12 VHV/EC
		T-421/12 WGV/EC

汽车线束

案例研究

案例 COMP/39.748 — 汽车线束

10.07.2013决定 (决议)

主体: 分属5家企业的10个法律实体

违规 (≠5): 价格协商与供应分配

范围: EEA及之外

期限 (每个违规均不同): 2000-2009

总罚金: € 141 791 000

**Summary of Commission Decision
of 10 July 2013**

**relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union
and Article 53 of the EEA Agreement**

(Case AT.39748 — Automotive wire harnesses)

(notified under document C(2013) 4222 final)

(Only the English text is authentic)

(2013/C 283/05)

On 10 July 2013, the Commission adopted a decision relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA agreement. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003⁽¹⁾, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets.

1. INTRODUCTION

- (1) The decision concerns five separate infringements concerning the supply of wire harnesses (WH) to Toyota, Honda, Nissan and Renault (2 infringements) and is addressed to the following undertakings: (i) Sumitomo⁽²⁾; (ii) Yazaki⁽³⁾; (iii) Furukawa⁽⁴⁾; (iv) SYS⁽⁵⁾ and (v) Leoni⁽⁶⁾. WH represent an assembly of cables transmitting signals or electric power linking computers to various components built in the vehicle and are designed for specific vehicles and platforms.

Dominant Positions issued a favourable opinion on 5 July 2013 and the Commission adopted the Decision on 10 July 2013.

2.2. Addressees and duration of the infringements

- (4) The following undertakings have infringed Article 101 of the Treaty and Article 53 of the EEA Agreement, during the periods indicated below, with respect to the supplies of WH to Toyota:
- Sumitomo and Yazaki from 6 March 2000 until 5 August 2009,
 - Furukawa from 24 September 2002 until 20 October 2005.
- (5) The following undertakings have infringed Article 101 of the Treaty and Article 53 of the EEA Agreement, during the periods indicated below, with respect to the supplies of WH to Honda:
- Sumitomo and Yazaki from 5 March 2001 until 7 September 2009,
 - Furukawa from 5 March 2001 until 31 March 2009.
- (6) Sumitomo and Yazaki have infringed Article 101 of the Treaty and Article 53 of the EEA Agreement with respect to the supplies of WH to Nissan (B Platform) from 14 September 2006 until 16 November 2006.
- (7) Sumitomo and SYS have infringed Article 101 of the Treaty and Article 53 of the EEA Agreement with respect to the supplies of WH to Renault (W95 Platform) from 28 September 2004 until 13 March 2006.
- (8) The following undertakings have infringed Article 101 of the Treaty and Article 53 of the EEA Agreement, during the periods indicated below, with respect to the supplies of WH to Renault (W52/98 Platform):
- Sumitomo from 5 May 2009 until 20 October 2009,

2. CASE DESCRIPTION

2.1. Procedure

- (2) Following the immunity application of Sumitomo and the leniency application of Furukawa, the Commission carried out unannounced inspections in February 2010 and thereafter Yazaki and SYS applied for leniency.
- (3) The Commission initiated proceedings on 3 August 2012. On 28 August 2012, Leoni applied for leniency. Settlement discussions took place between 25 September 2012 and 14 May 2013. Subsequently, the cartel members submitted to the Commission their formal request to settle pursuant to Article 10a (2) of Regulation (EC) No 773/2004. On 31 May 2013, the Commission adopted a Statement of Objections and the all parties confirmed that its content reflected their submissions and that they remained committed to follow the settlement procedure. The Advisory Committee on Restrictive Practices and

⁽¹⁾ OJ L 1, 4.1.2003, p. 1.

⁽²⁾ The relevant companies are Sumitomo Electric Wiring Systems (Europe) Ltd and Sumitomo Electric Industries Ltd.

⁽³⁾ The relevant companies are Yazaki Europe Ltd and Yazaki Corporation.

⁽⁴⁾ The relevant companies are Furukawa Automotive Systems Inc and Furukawa Electric Co. Ltd.

⁽⁵⁾ The relevant companies are S-Y Systems Technologies France SAS and S-Y Systems Technologies Europe GmbH.

⁽⁶⁾ The relevant companies are Leoni Wiring Systems France SAS and Leoni AG.

背景

线束是指各种电线的总成，用于向车内各种部件传输信号或电力链接电脑（汽车的中心神经系统）

各方：

日本住友（住友电气线束系统（欧洲）和住友电气工业）

日本矢崎公司（矢崎欧洲和矢崎）

日本古河（日本古河汽车系统和日本古河电气）

SYS（S-Y 系统技术法国和 S-Y系统技术欧洲）

莱尼公司（莱尼线束系统法国和莱尼）

豁免申请 (日本住友)

宽恕申请 (日本古河)

突袭检查 (02/2010)

宽恕申请 (日本矢崎与 SYS)

提起诉讼 (08/2012)

宽恕申请 (莱尼) (08/2012)

决议讨论 (09/2012至 05/2013)

通过异议声明 (05/2013)

通过决定 (07/2013)

违规行为

涉及丰田、本田、尼桑和雷诺（2个违规）的五个单独违规

各方通过多边和/或双边合同相互告知他们的价格和其他商业敏感信息，旨在最终协商价格和分配供应

违规涉及共谋期间的一系列招标/单个招标

罚金 (2006指南)

基本罚金数额：

相关销售额的16%

例如：雷诺I违规中的销售额将按照WH在EEA在预计违规期间销售给雷诺的数额乘以中标价格为基础设定。

期限：

基本数额乘以参与违规的年份

基本数额调整：

免除：日本住友

减少：其他方从20%至50%

适用和解通知：

对日本矢崎、古河、SYS和莱尼施加的罚金数额减少10%

(数额 €)	住友	矢崎	古河	SYS	莱尼	罚金概述
丰田违规	0	95 149 000	2 483 000			97 632 000
本田违规	0	29 812 000	1 532 000			31 344 000
尼桑违规	0	380 000				380 000
雷诺 I 违规	0			10 123 000		10 123 000
雷诺 II 违规	0			934 000	1 378 000	2 312 000
罚金概述	0	125 341 000	4 015 000	11 057 000	1 378 000	141 791 000

“实施卡特尔的汽车部件销售给丰田、本田、尼桑和雷诺，包括欧洲生产的汽车。今天的决定表明了委员会通过广泛调查监测到并处罚汽车部件市场上任何非法卡特尔的第一次成果。这种卡特尔会对汽车行业竞争造成危害，并会对汽车的最终客户价格造成人为操纵”



Joaquín Almunia
负责竞争政策的欧盟委员会副总裁

2013年7月10日新闻

索赔诉讼。按本案例中所描述的反竞争行为影响的任何人或公司可将这一问题提交至成员国法院并寻求索赔。法院的案例法和第1/2003号委员会条例均确认，对于提交给国家法院的情况，委员会决议成为具有约束力的证据证明这一行为已经发生且是违反的。即便委员会对所述公司作出处罚，仍需进行索赔，而不必扣除委员会的处罚金额。

2013年6月，委员会通过了一项决议，旨在使反竞争行为的受害者能够更加容易地获得此种赔偿（见IP/13/525 和 MEMO/13/531）。有关反垄断赔偿诉讼的更多信息，包括如何确定因反垄断违规造成的伤害、公众咨询和市民摘要，可访问：

<http://ec.europa.eu/competition/antitrust/actionsdamages/documents.html> »



EUROPEAN COMMISSION
PRESS RELEASE

Brussels, 10 July 2013

Antitrust: Commission fines producers of wire harnesses € 141 million in cartel settlement

The European Commission has fined the car parts suppliers Sumitomo, Yazaki, Furukawa, S-Y Systems Technologies (SYS) and Leoni a total of € 141 791 000 for operating five cartels for the supply of wire harnesses to Toyota, Honda, Nissan and Renault. Wire harnesses conduct electricity in cars, for instance to start the motor, to open the window or to switch the air-conditioner on. They are often described as the 'central nervous system' of the car. The cartels covered the whole European Economic Area (EEA).

Sumitomo was not fined for any of the five cartels as it benefited from immunity under the Commission's 2006 Leniency Notice for revealing the existence of the cartels to the Commission. All other companies received reductions of their fines for their cooperation in the investigation under the Commission's leniency programme. Since the companies agreed to settle the case with the Commission, their fines were further reduced by 10%.

Commission Vice President in charge of competition policy, Joaquín Almunia, said: "The cartelised car parts were sold to Toyota, Honda, Nissan and Renault including for cars produced in Europe. Today's decision shows the first results in the Commission's wider investigative effort to detect and sanction any illegal cartels in markets for car parts. Such cartels may harm the competitiveness of the automotive industry and artificially inflate prices for final buyers of cars".

The companies coordinated the prices and allocation of supplies of wire harnesses to the respective car manufacturers. The cartel contacts took place both in Japan and in the EEA:

- For Toyota and Honda, the participants rigged a series of tenders for the supply of wire harnesses, including all tenders for supplies to the European manufacturing facilities published during the cartel period.

- For Nissan and Renault, the participants rigged - or attempted to rig - single tendering procedures for some individual models.

Sumitomo, Yazaki, Furukawa, SYS and Leoni were involved in one or several of the infringements. The duration of the cartels varied. The below table provides an overview of the overall duration and participants for each of the infringements (duration for individual participants in each of the infringement may vary):