

Retail Food Packaging

Related Lawyers: **Anthony Maton, Nicola Boyle, David Lawne**

Related Practice Areas: **Competition Litigation**

The Cartel

The companies fixed prices and allocated customers of polystyrene foam or polypropylene rigid trays, in breach of EU antitrust rules. Polystyrene foam and polypropylene rigid trays are used for packaging food sold in shops or supermarkets, for products such as cheese, meat, fish or cake. Linpac benefited from full immunity under the Commission's 2006 Leniency Guidelines as it revealed the existence of the cartels to the Commission.

The eight manufacturers are Huhtamäki of Finland, Nespak and Vitembal of France, Silver Plastics of Germany, Coopbox, Magic Pack and Sirap-Gema of Italy and Linpac of the UK. The two distributors are Ovarpack of Portugal and Propack of the UK. The cartelised products are predominantly used for packaging perishable food – such as fish, meat or cheese – in the retail sector.

In September 2012, the EC sent a Statement of Objections to 13 companies detailing the EC's preliminary view that they may have participated in a cartel active in the production and/or distribution of retail food packaging between 2000 and 2008, contrary to European law. In 2009 the EC carried out unannounced inspections at the premises of a number of food-packaging manufacturers including those of Linpac, Paccor, Island Lux and Huhtamaki. The EC had concerns that these companies may have engaged in price fixing, market sharing, customer allocation, exchanges of commercially sensitive information and bid-rigging.