

Container Shipping

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In November 2013, the European Commission (“EC”) opened formal antitrust proceedings against several container liner shipping companies to investigate whether they engaged in concerted practices from October 2008 to May 2011, contrary to European law.

The Cartel

Following the abolition of the block exemptions for liner conferences in 2008, the European Commission conducted a series of unannounced inspections in 2011 at the premises of container shippers including those of Møller-Maersk, CMA CGM, Evergreen Marine and Hamburg Sud. The EC acted on suspicions that container shippers signalled to each other future price increases on the market for container liner shipping through recurring press releases on their websites and in the specialised trade press. These announcements are made several times a year and contain the amount of increase and the date of implementation, which is generally similar for all announcing companies. The announcements are usually made by the companies successively a few weeks before the announced implementation date.

The EC antitrust proceedings concern the transport of containers by ship at a fixed time schedule on a specific route between a range of ports at one end (e.g. Shanghai - Hong Kong - Singapore) and another range of ports at the other end (e.g., Rotterdam - Hamburg - Southampton).

In addition to the EC, competition authorities in the United States, Japan, China, Italy, Spain and Russia are currently investigating potential cartel activities in their respective jurisdictions.