



Antitrust: Commission fines parking heaters producer €68 million in cartel settlement

Brussels, 17 June 2015

The European Commission found that two German producers of automotive parts, Eberspächer and Webasto, have breached EU antitrust rules prohibiting cartels and restrictive business practices. They coordinated prices and allocated customers with regards to fuel-operated parking heaters (which heat parked cars or trucks) and auxiliary heaters (which support the heating system of a running car or truck). The Commission imposed a fine of € 68 175 000 on Eberspächer for its involvement in the cartel. This fine was reduced under the Commission's leniency programme to reflect Eberspächer's cooperation with the investigation. Webasto was not fined because it benefited from immunity for revealing the existence of the cartel to the Commission. Both companies agreed to settle the case with the Commission, so that Eberspächer's fine was reduced by a further 10%.

Commissioner Margrethe Vestager in charge of competition policy said: "*For over ten years, the only two suppliers of parking heaters in Europe colluded to avoid competing with each other. This cosy arrangement adversely affected a major part of the European automotive industry and ultimately those who buy cars and trucks. Today's decision is a clear signal to companies colluding – or thinking about it – that a cartel will be found out, no matter how few the participants.*"

The Commission's investigation started with an unannounced inspection at Eberspächer's premises in July 2013. It showed that over a period of 10 years, from September 2001 until September 2011, Webasto and Eberspächer coordinated prices and allocated customers in the entire European Economic Area (EEA). When the companies received requests for price quotations from car or truck manufacturers, they discussed various price elements, agreed which of the two would submit the winning lower bid, and exchanged other commercially sensitive information. The two companies also colluded when selling to dealers in Germany and Austria, for example by harmonising their annual price lists and the discounts they would give to these dealers.

Fines

The total fines imposed are as follows:

	Reduction under the Leniency Notice	Reduction under the Settlement Notice	Fine (€)
Webasto	100%	10%	0
Eberspächer	45%	10%	68 175 000
<i>Total</i>			68 175 000

The fines were set on the basis of the [Commission's 2006 Guidelines on fines](#) (see [Press Release](#) and [MEMO](#)).

In setting the level of fines, the Commission took into account the companies' sales of the products concerned in the EEA, the serious nature of the infringement, its geographic scope and its duration.

Webasto received full immunity for revealing the existence of the cartel and thereby avoided a fine of € 222 247 000 for its participation in the infringement. Eberspächer benefited from reductions of its fine under the 2006 Leniency Notice for its cooperation. The reduction reflects the timing of its cooperation and the extent to which the evidence it provided helped the Commission to prove the existence of the cartel. Eberspächer's fine was reduced by a further 10%, as it agreed to settle the case with the Commission.

Background

Article 101 of the Treaty on the Functioning of the European Union (TFEU) prohibits anticompetitive agreements and decisions of associations of undertakings.

Parking heaters are used widely in modern cars and trucks. Fuel-operated parking heaters heat a parked car and truck or pre-warm its engine. For example, practically every truck with a sleeper cab

has a parking heater. Fuel-operated auxiliary heaters support the heating system of cars and trucks with modern and highly efficient engines that do not produce enough waste heat to keep a running car or truck warm. Webasto and Eberspächer are the only suppliers of fuel-operated parking heaters and fuel-operated auxiliary heaters for cars and trucks in the EEA.

The decision is part of a wide-ranging investigation into suspected cartels in the sector of automotive parts. The Commission has already fined suppliers of [automotive bearings](#), [wire harnesses](#) in cars and flexible foam used (amongst other things) in [car seats](#). More investigations are ongoing, for instance for [occupant safety systems](#), [thermal systems](#) or [exhaust systems](#).

More information on this case will be available under the case number [40055](#) in the [public case register](#) on the Commission's [competition](#) website, once confidentiality issues have been dealt with. For more information on the Commission's action against cartels, see its [cartels](#) website.

The settlement procedure

Today's decision is the 18th settlement decision since the introduction of the settlement procedure for cartels in [June 2008](#) (see also [MEMO](#)). Under a settlement, companies that have participated in a cartel acknowledge their participation in the infringement and their liability for it. The settlement procedure is based on Antitrust Regulation 1/2003 and allows the Commission to apply a simplified procedure and thereby reduce the length of the investigation. This is good for consumers and for taxpayers as it reduces costs; good for antitrust enforcement as it frees up resources to tackle other suspected cases; and good for the companies themselves that benefit from quicker decisions and a 10% reduction in fines.

The Commission previously reached settlements with participants in cartels for [DRAMs](#), [animal feed phosphates](#), [washing powder](#), [glass for cathode ray tubes](#), [compressors for fridges](#), [water management products](#), [wire harnesses](#), [Euro and Yen interest rate derivatives](#), [polyurethane foam](#), [power exchanges](#), [bearings](#), [steel abrasives](#), [mushrooms](#), Swiss Franc interest rate [derivatives](#) and [bid-ask spreads](#) and [envelopes](#).

Action for damages

Any person or firm affected by anti-competitive behaviour as described in this case may bring the matter before the courts of the Member States and seek damages. The case law of the Court of Justice of the European Union and the [Antitrust Regulation](#) 1/2003 both confirm that in cases before national courts, a Commission decision is binding proof that the behaviour took place and was illegal. Even though the Commission has fined the companies concerned, damages can be awarded without these being reduced on account of the Commission fine.

The [Antitrust Damages Directive](#), which the Member States have to implement in their legal systems by 27 December 2016, makes it [easier for victims of anti-competitive practices to obtain damages](#). More information on antitrust damages actions, including a practical guide on how to quantify antitrust harm, is available [here](#).

IP/15/5214

Press contacts

[Ricardo CARDOSO](#) (+32 2 298 01 00)

[Yizhou REN](#) (+32 2 299 48 89)

General public inquiries:

[Europe Direct](#) by phone [00 800 67 89 10 11](#) or by [email](#)