



ICN Cartel Workshop  
Ottawa, 4-6 October 2017  
Thursday October 5<sup>th</sup> – "Investigation"

**Break-out Session #8:**  
*Bid-rigging, price fixing or both?*

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## The legal basis- Article 101 TFEU

- General prohibition of agreements and concerted practices that restrict competition
- Covers different types of anticompetitive practices such as:
  - price fixing
  - customer/market allocation
  - bid-rigging in private and public procurement

## Single and continuous infringement (SCI)

- A complex of anti-competitive arrangements
- Single anti-competitive aim
- Participation in / awareness of a common plan
- One fine for the entire duration
- Application of the 2006 Fines Guidelines

## Case example 1 – Automotive Bearings (2014)

- Six parties
- Price coordination in the form of: pass-on of steel price increases; coordination of responses to Requests For Quotations and Annual Price Reductions from customers; exchange of commercially sensitive information
- SCI of 7 years
- Fine calculation

## Case example 2 – Alternators and Starters (2016)

- Three parties
- Multi-faceted infringement: coordination of responses to Requests For Quotations; customer and project allocation; exchange of commercially sensitive information
- SCI of 5,4 years
- Fine calculation

## Case example 3 – Retail Food Packaging (2015)

- 10 undertakings
- Practices: price fixing; customer allocation/  
market sharing; bid-rigging; exchange of  
commercially sensitive information
- Five separate geographic regions - Five SCIs
- Bid-rigging mechanism - example



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***Thank you!***

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