Case 1

MARKET

The products concerned are trucks weighing between 6 and 16 tonnes ("medium trucks") and trucks weighing more than 16 tonnes ("heavy trucks") both as rigid trucks as well as tractor trucks (hereinafter, medium and heavy trucks are referred to collectively as "Trucks"). The undertakings involved are MAN, Iveco, Daimler (Mercedes), Scania, DAF.

The demand for trucks is highly cyclical. While passenger cars are acquired by both private and commercial customers, trucks are acquired solely by commercial customers. Since trucks are durable goods for professional use, customers often postpone the investment in fleet renewal in times of economic crises and compensate for this when their businesses thrive. Trucks are not commodity products but are specified according to individual customer requirements and are inherently complex. All of the undertakings offer a range of trucks and hundreds of different options and variants. Furthermore, perceived reliability, technical performance, fuel consumption, maintenance costs, and branding play an important role in customers' purchasing decisions. Other important aspects are a widespread network of service stations, after sales costs, operating costs, etc.

The pricing mechanism in the truck sector follows generally the same steps for all of the Addressees. Like in many other industries, pricing starts generally from an initial gross list price set by the Headquarters. Then transfer prices are set for the import of trucks into different markets via wholly owned or independent distributor companies. Furthermore, there are prices to be paid by dealers operating in national markets and the final net customer prices. These final net customer prices are negotiated by the dealers or by the manufacturers where they sell directly to dealers or to fleet customers. The final net customer prices will reflect substantial rebates on the initial gross list price. Not all steps are always followed, as manufacturers also sell directly to dealers or to fleet customers.

The truck sector is characterised by a high degree of transparency. The Addressees had access to competitively relevant data such as truck registrations through public registries. Furthermore, truck producers and their distributor companies had regular exchanges within various industry associations. Within some of these associations, data on order intake and delivery periods or stock levels was exchanged. In addition, the undertakings had access, to varying degrees, to further data through customers spontaneously presenting competitors' offers in order to negotiate prices and via mystery shopping.

DESCRIPTION OF THE CONDUCT

All of the undertakings exchanged gross price lists and information on gross prices, and most of them engaged in exchanging computer-based truck configurators. All of these elements constituted commercially sensitive information. in most cases, gross price information for truck components was not publicly available and information that was publicly available was not as detailed and accurate as the information exchanged between, amongst others, the undertakings. Furthermore, they exchanged their respective delivery periods and their country-specific general market forecasts, subdivided by countries and truck categories.

During a meeting on 6 April 1998 in the context of an industry association meeting, which was attended by representatives of the Headquarters of all of the undertakings, the participants coordinated on the introduction of EURO 3 standard compliant trucks. They agreed not to offer EURO 3 standard compliant trucks before it was compulsory to do so and agreed on a range for the price additional charge for EURO 3 standard compliant trucks.

After the introduction of the Euro currency and with the introduction of pan-European (EEA) price lists for almost all manufacturers, the Addressees started systematically to exchange their respective planned gross price increases through their German subsidiaries. In later years, the meetings involving the German-Level became more formalised and gross price increase information that was not available in the public domain was usually inserted in a spread sheet split by truck standard model for each producer.

The allegedly collusive contacts engaged in by the undertakings in the period 1997 to 2010 took place in the form of regular meetings at venues of industry associations, at trade fairs, product demonstrations by manufacturers or competitor meetings. They also included regular exchanges via e-mails and phone calls.

Case 2

MARKET

This case concerns smart card chips also known as smart card or chip card integrated circuits ("ICs") which comprises all types of secure microcontrollers, that is to say all types of microcontrollers that comprise some form of security protection. The major producents and alleged cartel members are Infineon (subsidiary of Siemens), Philips, Hitachi, Renesas, Mitsubishi Electronics Corp and Samsung.

Smart card chips are used in different smart card applications such as mobile telephone SIM cards, bank cards, pay TV cards, identity cards, biometric passports and transport cards.

The smart card business can be split into two segments according to its main applications: namely SIM applications (mainly for mobile phones); and FSID, also called non-SIM applications (banking, security and ID).

There are several aspects of the smart card chip market which are important for the framework in which specific anti-competitive contacts occurred: (a) the constant fall in prices for smart card chips; (b) the downstream pressure on pricing and margins from the largest customers; (c) imbalances in the demand-supply ratio due to the increase in demand and the constant and rapid technological development; (d) the structure of the contract negotiations with the customers.

first, as regards the fall in prices, it must be noted that the market for smart card chips, in particular the SIM chip business, experienced a constant deterioration of profitability from 1999. The developments in the SIM chip market were of great importance for the whole smart card chip business as it accounted for around 80% of the demand for smart card chips in the period between 1999 and 2007. In this period SIM chips became a commodity product with their average selling price (ASP) falling from EUR 1.1 in 1999 to EUR 0.25 in 2006.

Second, as regards the pressure on prices and margins by competitors, the downstream smart card market was characterised by a competitive struggle between the two main players Axalto and Gemplus in the period from 2003-2004 until their merger in 2006 which put an end to their price war. this competition led to extreme pressure on the upstream suppliers of smart card chips in terms of pricing and margins.

Third, as regards the imbalance in the demand-supply ratio, the market saw an unprecedented (close to 60%) increase in market demand from 2003 to 2004 at a time when the major suppliers were migrating to the 0.18 μm technology (which caused a 15-20% capacity increase). These parallel events caused some disturbances on the market inducing suppliers to

seek information on the actual demand-supply balance and opportunities to maintain or even increase prices.

The transparency of general price levels on the market for smart card chips was high, with a very concentrated and competitive downstream market with the five largest customers of smart card chips holding over 70% of the downstream smart card market worldwide.

DESCRIPTION OF THE CONDUCT

The alleged cartel functioned through a network of bilateral contacts between undertakings. These allowed the participants to better understand the product line up of other suppliers, as well as their ability to supply card chips.

The parties also shared information on internal capacity allocation, capacity utilisation and actual inventory status. Discussions on the contract negotiations vis-à-vis common customers encompassed the sharing of information on the likelihood of acceptance of contractual clauses advantageous for the customer.

The CARTES trade fair, organised annually in November, also served as an occasion for the alleged cartel members to meet. CARTES trade fair was significant for the competitor contacts as it took place each autumn at the time the annual contract negotiations – which could last for several months – with the main customers had or were about to get started and it provided competitors with the opportunity to meet. By the time of the CARTES trade fair, the customers had already provided suppliers with their target prices and the suppliers had often already submitted their first price proposal to the customers. As customers, for example Gemalto, would use those counter-quotes during the negotiations in November/December, it was, important to check with the competitors what they had in fact offered to the common customer, that is to check the validity of the price information of competitors' price offers that the common customer would make use of in the contract negotiations. Meetings during the CARTES exhibitions were therefore crucial as they provided important input for the yearly negotiations with large customers.

Case 3

MARKET

The services concerned by the alleged infringement consist in the provision of deep-sea car carriage of new motor vehicles: cars, trucks and high and heavy vehicles on various routes. Deep sea car carriage services generally include the loading, shipment and unloading of new motor vehicles.

The undertakings subject to the proceedings are the following global providers of international ocean shipping: MOL (including subsidiaries Mitsui and Nissan Motor Car Carrier); “K” Line; NYK; WWL and EUKOR (including subsidiaries Wallenius, Wilhelmsen Ships Holding Malta. Wallenius Wilhelmsen Logistics AS,); CSAV.

DESCRIPTION OF CONDUCT

The parties applied the so-called “rule of respect” as a guiding principle for their practices. According to that principle, shipments of new motor vehicles related to already existing businesses on certain routes for certain customers would continue to be carried by the undertaking traditionally carrying it (the incumbent). Some carriers were considered to be incumbents concerning specific routes and/or specific customers. The carriers would respect the business of the incumbent carrier, by either providing a quote above the incumbent’s rates, or refraining from quoting. he conducts also covered single and general Requests for Quotations ("RFQs”) (or tenders) issued by certain vehicle manufacturers.

A significant part of the coordination took place at the Four Carriers Meetings (FCMs). The FCMs were usually held on a monthly basis in Japan and were attended by the representatives of MOL, NYK, “K” Line and WWL. In addition to the conduct related to routes from Japan (and certain other Asian countries) to Europe. Trilateral meetings took place between the “3Js”, i.e. the three Japanese carriers: MOL, “K” Line and NYK. Without forming a separate set of arrangements, those discussions concerned certain issues/contracts relevant to the three carriers. CSAV did not participate in the FCMs or the 3J meetings, or in actions concerning capacity reduction. CSAV’s contacts with its competitors were bilateral. With regard to the EU, CSAV’s participation was limited to specific routes between South America or Mexico and Europe. On those routes, at the beginning, CSAV's contacts were limited to MOL and were structured around their joint service agreement. Later, in addition to contacts with MOL, CSAV’s participation included contacts with “K” Line and NYK with regard to shipments on these specific, above-mentioned routes. There was no collusion between

CSAV and either WWL or EUKOR.

EUKOR, as a separate legal entity, did not participate in the FCMs or in the 3J meetings, discussions in relation to CAF, or in actions concerning capacity reduction. EUKOR's contacts with its competitors were bilateral and structured around the routes that it served, which were predominantly between the Far East and Europe, and concerned certain customers and tenders.

Case 4

MARKET

Gas-insulated Switchgear (GIS) is used to control energy flow in electricity grids. It is heavy electrical equipment, used as a major component for turnkey power substations. Substations are auxiliary power stations where electrical current is converted. Insulation of switchgear may be through gas, air or some combination of the two ('hybrid switchgear'). Therefore, to a limited degree, GIS faces competition from air-insulated switchgear (AIS) and hybrid switchgear. AIS is technically much less sophisticated and significantly less expensive than GIS (AIS costs are at approximately 30% of the GIS cost).

GIS is sold both as forming already part of turnkey power substations or as loose equipment which has to be integrated into a turnkey power substation. This main component of a substation accounts for approximately 30 to 60% of the total price of a substation. No other components of the substation have such a substantial impact on the final price of the substation.

In 2004, the major global producers of GIS projects were ABB, AREVA, Siemens, VA TECH, JAEPS and TM T&D9. These six suppliers are present in the EEA and in most parts of the world where gas technology is predominantly used for switchgear insulation (the Southeast Asia, the Middle East, and North Africa). Turnkey power substations are highly specialised and, therefore, custom made products. Customers normally specify their needs and ask potential suppliers to make a bid. The main customers for GIS projects are state owned public utilities, municipalities and, to a minor extent (around 25%), also private companies. Since the majority of GIS projects' customers are publicly owned, most of the trade in GIS is realised by means of public procurement.

The undertakings subject to the proceedings are ABB, ALSTOM, AREVA, Fuji, Hitachi, JAEPS, Melco, Schneider, Siemens, TM T&D, Toshiba, VA Technologie,

DESCRIPTION OF CONDUCT

The cartel members were divided into two groups: the 'E-Group' (consisting of European companies) and the 'J-Group' (consisting of Japanese companies). Japan on one side and the European domestic markets of the European members of the cartel on the other side (where some of them had their stronghold) were respectively allocated as a block (100%) to the Japanese group or to the European group. Those territories were known as 'home markets' or 'home countries. For the rest of the world, all members of the cartel were, generally

speaking, possible candidates for allocation and a full set of written detailed rules was agreed upon to make that possible and to monitor the correct loading of projects in the respective quotas. The joint global quotas of each group were attributed in the 'GQ-Agreement'.

Multiple cartel meetings having been held since the one organized in the Marriott Hotel in Vienna on 15 April 1988, where the parties met to conclude the agreements. Pursuant to the GQ-Agreement, the European and Japanese committee members were to meet every two weeks to discuss ongoing projects. BB indicated that Siemens interrupted its participation in cartel meetings as from late 1999. ABB and ALSTOM decided to exclude VA TECH from the cartel as its quota was high relative to its production capacity. They did so by organising in December 2000 a party fictitiously bringing an end to the cartel. In reality, the cartel went on between ABB, Alstom, Fuji, Melco and Toshiba. By this time, VA TECH and Schneider, which would join their operations in March 2001 in the joint-venture VAS, already acted together. The two undertakings were represented at the meeting by Schneider employee.

Siemens discontinued its participation in the cartel meetings in September 1999, followed by Hitachi and Schneider/VA TECH in 2000. Siemens's absence was EN 34 EN particularly destabilising from the European perspective, since it had been the E-Secretary since 1988 and it was a major market player both outside and inside Europe. However, the cartel activities continued, and ALSTOM took over as E-Secretary.

Siemens's renewed participation dates from 26 March 2002, VA TECH's from at least 1 April 2002 and Hitachi's from 2 July 2002.

After ABB stopped communications with the cartel in February 2004, planned meetings including ABB were annulled at the beginning of March 2004 and all mailboxes, telephone numbers, codes etc. were changed by the other cartel members which enabled the cartel to communicate without ABB.