

Daily News 29 / 06 / 2016

<http://europa.eu/rapid/midday-express-29-06-2016.htm>

Brussels, 29 June 2016

Antitrust: Commission re-adopts two amending decisions on heat stabilisers cartel

The European Commission has re-adopted two amending decisions on the [heat stabilisers cartel](#), following annulment by the EU General Court. In 2009, the Commission fined ten producers of heat stabilisers €173 million for fixing prices, sharing customers, allocating markets and exchanging sensitive commercial information. In the 2009 decision, ACW, Chemson and GEA were held jointly and severally liable for part of the imposed fine. As a result of a calculation error, the fine imposed on ACW exceeded the ceiling set by EU antitrust rules, namely 10% of the concerned undertaking's turnover. To correct this error, the Commission adopted an amending decision in 2010, without changing the total amount of the fine for Chemson (€1 913 971) and GEA (€3 346 200). [In July 2015](#), the EU General Court annulled the 2010 amending decision for GEA because it found that GEA was not able to submit its views before the Commission adopted the amending decision. The Commission has now given all companies the opportunity to present their views and has thus re-adopted the 2010 amending decision without changes. In the context of the 2009 decision, Akzo Nobel, Akcros and Elementis were held jointly and severally liable for part of the imposed fine. However, on the basis of a [judgment](#) by the EU Court of Justice in a different case, the infringement was time-barred for Elementis. The Commission therefore repealed the 2009 Decision with regard to Elementis and adopted an [amending decision](#) with regard to Akzo Nobel and Akcros in 2011. This 2011 amending decision did not change the total amount of the fines for Akzo and Nobel Akcros. [In July 2015](#), the EU General Court annulled the 2011 amending decision because it found that the companies had not had sufficient time to submit their views before the Commission adopted the amending decision. The Commission has now given Akzo Nobel and Akcros the opportunity to present their views and has thus re-adopted the 2011 amending decision. The re-adopted decision includes a 1% fine reduction for Akzo Nobel and Akcros (the fine is €40 194 000 for Akzo Nobel and €11 881 980 for Akcros), which follows from a separate General Court [judgment](#) on an appeal by the companies against the original 2009 decision. The amending decision will be made available under the case number [38589](#) in the public case register on the Commission's [competition](#) website. For more information on the Commission's action against cartels, see the [cartels](#) website. (*For more information: Ricardo Cardoso – Tel.: +32 229 80100; Giulia Komel – Tel.: +32 229 61175*)