

Summary of Commission Decision
of 27 September 2017
relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union
and Article 53 of the EEA Agreement
(Case AT.39824 – Trucks)
(notified under document C(2017) 6467)
(Only the English text is authentic)
(2020/C 216/07)

On 27 September 2017, the Commission adopted a Decision relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA agreement. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003 ⁽¹⁾, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets.

1. INTRODUCTION

- (1) The Decision relates to a single and continuous infringement of Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA agreement.
- (2) The Decision is addressed to the following entities: Scania AB (publ), Scania CV AB (publ) and Scania Deutschland GmbH (together are referred to as ‘Scania’ or ‘the addressees’).

2. CASE DESCRIPTION

2.1. Procedure

- (3) Following an immunity application by a trucks producer not addressed by the Decision on 20 September 2010, the Commission carried out inspections at the premises of several trucks producers between 18 and 21 January 2011.
- (4) On 20 November 2014, the Commission initiated proceedings pursuant to Article 11(6) of Regulation (EC) No 1/2003 against Scania and other trucks producers (‘the parties’). The Commission adopted a Statement of Objections, which it notified to the parties.
- (5) After the adoption of the Statement of Objections the parties approached the Commission informally and asked to continue the case under the settlement procedure. The Commission decided to launch settlement proceedings after each of the parties had confirmed its willingness to engage in settlement discussions. Subsequently the parties except Scania (‘the settling parties’) submitted to the Commission their formal request to settle pursuant to Article 10a (2) of Regulation (EC) No 773/2004 ⁽²⁾. On 19 July 2016 the Commission adopted a decision pursuant to Article 7 and Article 23(2) of Regulation (EC) No 1/2003 addressed to the settling parties holding them liable for their respective conduct in this case.
- (6) In light of Scania having chosen not to submit a settlement proposal, the Commission continued the investigation into Scania’s behaviour under the standard procedure.
- (7) The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 25 September 2017 and the Commission adopted the Decision against Scania on 27 September 2017.

2.2. Addressees and duration

- (8) The addressees of the Decision have participated in a collusion and/or bear liability for it, infringing therefore Article 101 of the Treaty, during the period indicated below.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).

⁽²⁾ Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty (OJ L 123, 27.4.2004, p. 18).

Entity	Duration
Scania AB (publ), Scania CV AB (publ), Scania Deutschland GmbH. ⁽³⁾	17 January 1997–18 January 2011

2.3. Summary of the infringement

- (9) The products concerned by the infringement 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') ⁽⁴⁾. The case does not concern aftersales, other services and warranties for trucks, the sale of used trucks or any other goods or services.
- (10) The infringement consisted of collusive arrangements on pricing and gross price increases in the EEA for trucks; and the timing and the passing on of costs for the introduction of emission technologies for medium and heavy trucks required by EURO 3 to 6 standards. The addressees' headquarters were directly involved in the discussion of prices, price increases and the introduction of new emission standards until 2004. From at least August 2002 onwards, discussions took place via German subsidiaries which, to varying degrees, reported to their Headquarters. The