

9:00 AM - 28 February 2008 – Entrance of the CNC



**INSERTAR EN LA MASTER
LA SEGUNDA MARCA**

- Applicants: Henkel Ibérica (9:04:56); Sara Lee (9:14:56).
 - Conditionally given to Henkel Ibérica.
- Other participants in the infringement: Puig, Colomer and Colgate.
 - Colomer: The DI considered the infringement was not proved. The Council requested a new inquiry (in progress).
 - Colgate: One particular vote pleaded for its exoneration.
- Sanctions: FOR INFRINGEMENT OF ART. 1 LDC (NOT ART. 101 TFEU)
 - Henkel: full exemption
 - Sara Lee: partial exemption (40%) = 3.715.874 €
 - Puig = 2.437.317 €
 - Colgate = 2.066.840 €

A dissenting vote disagreed with the granted exemptions because it considered both companies as instigators.

- Infringement of Art. 1 LDC (not Art. 101 TFEU)
- Immunity Applicant: Henkel Ibérica.
- Other participants in the infringement: Glaxo, Unilever and Colgate.
- The DI proposed to file one period of the infringement for having lapsed and the other one for not having been proven.
- Resolution:
 - The Council accepted the proposal of the DI.

- Applicant: Henkel Ibérica.
- Other participants in the infringement: L'Oréal, Wella, Colomer, Eugène Perma, Montibello, Lendan, DSP Haircare Products and STANPA.
- Sanctions: FOR INFRINGEMENT OF ART. 1 LDC (NOT ART. 101 TFEU)
 - Henkel: full exemption
 - Sanctions: 51.017.000 €

- Infringement: information exchange on prices and tariffs, recent increases on prices and tariffs and forecasts on increases of prices and tariffs.
- Duration: from 8 February, 1989 to 28 February, 2008
- Relevant market: hair care products in Spain
- Internal organization of the cartel:
 - 2 Annual meetings (40 meetings in total) → Regularity (1 per semester) with very few exemptions
 - Strict rotation in the organization of the meetings
- Paragraph 74: information exchange on future prices = cartel (vs. hardcore restriction!)
- No evidence of actual effects (restriction by object)

- Applicants: Bellavista and ZRM
 - Problems about the application of leniency by two companies simultaneously.
 - Bellavista and ZRM: two companies, one group.

- Other participants in the infringement: W&H, González Byass, Estévez, Lustau, Barbadillo, Ferris, Pedro Romero, CAYDSA, Consejo Regulador and FEDEJEREZ

- Reduction of the sanction for González Byass:
 - About the attempt to disguise the defense as collaboration and the interpretation of Article 52 RDC by the Council.

- Sanctions:
 - Full exemption for both Bellavista y ZRM
 - Sanctions: 6.723.000 €

- Infringement of Articles 1 LDC and 101 TFEU
- Applicant: ABX Logistics (currently DSV Air & Sea)

- Other participants: DHL, Deutsche Post, Rhenus Logistics, Salvat, Sain-Tir, Transnatur, Blue Water Shipping, Inter-Tir

- Reductions:
 - DHL: denied because evidence was not considered to be of a "significant added value".
 - Spain-Tir: granted (40%) + full exemption in accordance with the confessed period (2000 – 2003)

- Sanctions:
 - Total sanctions: 14.127.000 €

- Simultaneous application of both dispositions:
 - Only in cases **Sherry** and **Freight Forwarders**
- In **Gel Manufacturers, Toothpastes and Professional Hair Care Products**: Initiated for infringement of national and EU Law but ultimately decided only under national law.