



OBSERVATÓRIO DA APLICAÇÃO DO DIREITO DA CONCORRÊNCIA

SECURITY IN JAPAN'S CAR INDUSTRY: THE PRICE YOU HAVE TO PAY TO BE ONE OF THE BIG ONES

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The European Commission has fined five seatbelt, airbag and steering wheel suppliers to Japanese car manufacturers in the European Economic Area (EEA) in a total of EUR 34 million for breaching EU antitrust rules.

All five companies – Tokai Rika, Takata, Autoliv, Toyoda Gosei and Marutaka – acknowledged their involvement in at least one of the four cartels regarding this supply to Japanese car manufacturers Toyota, Suzuki and Honda, and agreed to settle the case.

The five car component suppliers coordinated prices or markets and exchanged sensitive information for the supply of seatbelts, airbags and steering wheels. Collusion between the car safety equipment suppliers intensified when the car manufacturers concerned launched specific requests for quotations.

Although the coordination to form and run the cartel took place in Japan, it may have had significant effect on European customers, since around one out of every eleven cars sold in Europe is produced by one of these Japanese companies, with manufacturing plants in the EEA.

This represented a breach of Article 101 of the Treaty on the Functioning of the European Union (TFEU) and Article 53 of the EEA Agreement, which prohibit cartels and other restrictive business practices.

The fines were set on the basis of the Commission's 2006 Guidelines on fines. The Commission took into account the sales value in the EEA achieved by the cartel participants for the products in question, the serious nature of the infringement, its geographic scope and its duration. The fine was set at EUR 36 billion.

Regarding their agreement to settle the case and the 2006 Leniency Notice, Tokai Rika, Takata, Autoliv and Toyoda Gosei benefited from reductions on their fines for their cooperation with the Commission. Tokai Rika and Takata received full immunity for revealing, respectively, one and four cartels.

A “whistleblower tool” was established to facilitate the exposure of this kind of situations.¹

¹ For more information regarding the “whistleblower tool”: http://europa.eu/rapid/press-release_IP-17-591_en.htm