

**Final Report of the Hearing Officer <sup>(1)</sup>****AT.40013 — Lighting Systems**

(2017/C 333/03)

On 18 May 2016, the Commission initiated proceedings pursuant to Article 11(6) of Regulation (EC) No 1/2003 <sup>(2)</sup> and Article 2(1) of Regulation (EC) No 773/2004 <sup>(3)</sup> against Valeo <sup>(4)</sup>, Automotive Lighting <sup>(5)</sup> and Hella <sup>(6)</sup>, (collectively 'the parties').

Following settlement discussions <sup>(7)</sup> and settlement submissions <sup>(8)</sup> in accordance with Article 10a(2) of Regulation (EC) No 773/2004, the Commission adopted a Statement of Objections ('SO') on 10 May 2017. According to the SO, the parties have participated in an infringement of Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the European Economic Area (EEA) Agreement, consisting of anti-competitive contacts in the EEA regarding pricing of automotive lighting systems and certain other trading conditions from July 2004 to October 2007 <sup>(9)</sup>. The parties' respective replies to the SO confirmed that the SO reflected the contents of their settlement submissions and that they remained committed to follow the settlement procedure.

Pursuant to Article 16 of Decision 2011/695/EU, I have examined whether the draft decision deals only with objections in respect of which the parties have been afforded the opportunity of making known its views. I conclude that it does so.

In view of the above, and taking into account that the parties have not addressed any requests or complaints to me <sup>(10)</sup>, I consider that the effective exercise of the procedural rights of the parties to the proceedings in this case has been respected.

Brussels, 20 June 2017.

Wouter WILS

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<sup>(1)</sup> Pursuant to Articles 16 and 17 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings (OJ L 275, 20.10.2011, p. 29).

<sup>(2)</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

<sup>(3)</sup> 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).

<sup>(4)</sup> Valeo S.A., Valeo Service SAS and Valeo Vision SAS.

<sup>(5)</sup> Magneti Marelli S.p.A. and Automotive Lighting Reutlingen GmbH.

<sup>(6)</sup> Hella KGaA Hueck & Co.

<sup>(7)</sup> The settlement meetings took place between June 2016 and April 2017.

<sup>(8)</sup> The parties' requests to settle were submitted between [...].

<sup>(9)</sup> As regards Valeo and Automotive Lighting the infringement started on 7 July 2004 whereas for Hella it started on 1 January 2006. The end date of the infringement for all parties is 25 October 2007.

<sup>(10)</sup> Under Article 15(2) of Decision 2011/695/EU, parties to the proceedings in cartel cases which engage in settlement discussions pursuant to Article 10a of Regulation (EC) No 773/2004, may call upon the hearing officer at any stage during the settlement procedure in order to ensure the effective exercise of their procedural rights. See also paragraph 18 of Commission Notice on the conduct of settlement procedures in view of the adoption of Decisions pursuant to Article 7 and Article 23 of Council Regulation (EC) No 1/2003 in cartel cases (OJ C 167, 2.7.2008, p. 1).