

Final Report of the Hearing Officer ⁽¹⁾**Spark Plugs****(AT.40113)**

(2018/C 111/08)

On 17 October 2016, the Commission initiated proceedings pursuant to Article 11(6) of Council Regulation (EC) No 1/2003 ⁽²⁾ and Article 2(1) of Regulation (EC) No 773/2004 ⁽³⁾ against Bosch ⁽⁴⁾, Denso ⁽⁵⁾, NGK ⁽⁶⁾ (collectively 'the parties').

Following settlement discussions and settlement submissions in accordance with Article 10a(2) of Regulation (EC) No 773/2004, the Commission adopted a Statement of Objections ('SO') on 4 December 2017, addressed to the parties. According to the SO, the parties participated in a single and continuous infringement of Article 101 of the TFEU and Article 53 of the European Economic Area ('EEA') Agreement. The alleged infringement consisted of the coordination of prices and the allocation of supplies of spark plugs in the EEA from 19 January 2000 to 28 July 2011.

In their respective replies to the SO the parties confirmed pursuant to Article 10a(3) of Regulation (EC) No 773/2004 that the SO reflected the contents of their settlement submissions.

The draft decision finds that the parties infringed Article 101 of the TFEU and Article 53 of the EEA Agreement by participating in a single and continuous infringement covering the whole EEA consisting in the coordination of prices and the allocation of supplies of spark plugs for cars during periods respectively defined for each of the parties between 19 January 2000 and 28 July 2011.

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 ⁽⁷⁾, I consider that the effective exercise of the procedural rights of the parties to the proceedings in this case has been respected.

Brussels, 19 February 2018.

Wouter WILS

⁽¹⁾ 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).

⁽²⁾ 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).

⁽³⁾ 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).

⁽⁴⁾ Robert Bosch GmbH ('Bosch').

⁽⁵⁾ Denso Corporation ('Denso').

⁽⁶⁾ NGK Spark Plug Co., Ltd and its subsidiary NGK Spark Plug Europe GmbH (together 'NGK').

⁽⁷⁾ 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 2008/C 167/01 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).