• Italy: The Italian Competition Authority fines Maritime Agents’ Cartel

On 22 February 2012, the ICA concluded an investigation triggered by a leniency application concerning a cartel in the market for maritime agency services provided in the port of Genoa. Fines totalling more than € 4 000 000 were imposed on the companies concerned.

The ICA ascertained that the main market players had coordinated their commercial strategies for six years (at least from February 2002 to December 2009), through several meetings held within the Portual Commission of Assagenti (Assagenti), the most representative association of maritime agents. During such meetings, the maritime agents agreed on price increases for the services provided to the forwarding agents. Furthermore, it was found that the association Assagenti had itself actively participated in the cartel, for instance by issuing circular letters to its members to inform them about the decisions which had been adopted within the association and facilitate their implementation. Moreover, the investigation showed that the horizontal agreement was also implemented by means of a further agreement between Assagenti and Spediporto, the most representative association of forwarding agents in Italy, which aimed at fixing the prices charged to the forwarding agents.

Although the agreed price increases specifically referred to the port of Genoa, the cartel was likely to affect maritime agents’ activities all over Italy, since the tariffs applied in this port, which plays a pivotal role at national level, can influence the tariffs applied in other ports.

Fifteen undertakings were involved in the cartel’s activities, seven of which were members of the cartel for its whole duration ensuring its stability (APL Italia Agencies S.r.l., China Shipping Italy Agency Co. S.r.l., CMA CGM Italia S.r.l., Coscon Italy S.r.l., Gastaldi & C. S.p.A., K-Line Italia S.r.l., Maersk Italia S.p.A., Yang Ming Italy S.p.A.), whereas the other companies were involved for shorter periods of time.

When setting the fines, the ICA – in the light of the European Commission’s Fining Guidelines – took into consideration the degree of gravity of the infringement and its duration, and included in the basic amount an entry fee of 15 % of the value of sales.

Maersk, a subsidiary of the Danish company A.P. Møller-Maersk A/S, and Hapag Lloyd Italy applied for leniency and revealed their involvement in the cartel. The first leniency applicant, Maersk, which contributed to the identification of the cartel, benefitted from immunity from fines. The second, which provided further elements, benefitted from a 50% fine reduction.

The Decision has been appealed before the Tribunale Amministrativo del Lazio – TAR (Court of First Instance) by some of its addressees.

See ICA decision and press release (Italian) as well as press release (English)