



EUROPEAN COMMISSION
DG Competition

CASE AT.39780 – Envelopes

(Only the English text is authentic)

CARTEL PROCEDURE

Council Regulation (EC) 1/2003 and Commission Regulation (EC) 773/2004

Article 7 Regulation (EC) 1/2003

Date: 10/12/2014

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Case AT.39780 – ENVELOPES

**Summary of Commission Decision
of 10 December 2014
relating to a proceeding under Article 101 of the Treaty on the Functioning of the
European
Union and Article 53 of the EEA Agreement
(Case AT.39780 - Envelopes)
(notified under document C(2014) 9295 final)
(Only the English text is authentic)**

(YYYY/C XX/YY) - [OPOEU inserts the OJ references]

On 10 December 2014, the Commission adopted a decision relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003¹, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets.

1. INTRODUCTION

- (1) The Decision relates to a single and continuous infringement of Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement concerning stock/catalogue envelopes and special printed (transactional and/or bespoke) envelopes of all shapes, colours and sizes. Standard/catalogue envelopes are envelopes of different sizes without print (branded/private label or no label), which are usually acquired in bulk on the basis of manufacturers' catalogues. Special printed (transactional and/or bespoke) envelopes are printed envelopes specifically designed and produced according to customers' specifications. The Decision is addressed to: (i) Bong⁽²⁾; (ii) GPV⁽³⁾; (iii) Hamelin⁽⁴⁾; (iv) Mayer-Kuvert⁽⁵⁾ and (v) Tompla⁽⁶⁾.

¹ OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).

² Bong AB, Bong Sverige AB, Bong Belgium S.A., Bong U.K. Ltd. and Bong GmbH.

³ GPV France SAS and Heritage Envelopes Ltd.

⁴ HOLDHAM S.A.

⁵ Edlef Bartl Holding GmbH, mayer-network GmbH, Mayer-Kuvert-network GmbH,

⁶ PRINTEOS, S.A., SOBRE EXPRES, S.L., TOMPLA SCANDINAVIA AB, TOMPLA FRANCE SARL and TOMPLA DRUCKERZEUGNBISSE VERTRIEBS GMBH.

2. CASE DESCRIPTION

2.1. Procedure

- (2) Following the information received from an informant, the Commission carried out targeted inspections on 14 September 2010 at the premises of various envelopes producers in several Member States. Further inspections took place between 1 October 2010 and 31 January 2011.
- (3) Following the inspections, several undertakings applied for a reduction of the fine under the Leniency Notice, including Tompla, Hamelin and Mayer-Kuvert (also on behalf of GPV France SAS and Heritage Envelopes Ltd.).
- (4) During the investigation, the Commission also sent several requests for information under Article 18 of Regulation (EC) No 1/2003.
- (5) On 10 December 2013, the Commission initiated proceedings pursuant to Article 11(6) of Regulation (EC) No 1/2003 against the addressees of the Decision with a view of engaging in settlement discussions with them. Settlement meetings took place between January and October 2014. Subsequently, Bong, Hamelin, Mayer-Kuvert/GPV and Tompla submitted to the Commission their formal requests to settle pursuant to Article 10a (2) of Regulation (EC) No 773/2004⁽⁷⁾.
- (6) On 18 November 2014, the Commission adopted a Statement of Objections and all the parties unequivocally confirmed that it corresponded to the contents of their settlement submissions and that they therefore remained committed to following the settlement procedure. The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 8 December 2014. The Commission adopted the Decision on 10 December 2014.

2.2. Addressees and duration

- (7) The following undertakings have infringed Article 101 of the Treaty and Article 53 of the EEA Agreement, by participating, during the periods indicated below, in anti-competitive practices in respect to the supply of paper envelopes.

Undertaking	Duration
Bong	8 October 2003 – 22 April 2008
GPV group ⁸	8 October 2003 – 22 April 2008

⁷ Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 82 and 82 of the EC Treaty (OJ L 123, 27.4.2004, p.18).

⁸ In the present Decision, the term "GPV group" refers to [non-addressee], [non-addressee] and Heritage Envelopes Ltd. On 27 September 2011, Mayer-Kuvert-network GmbH acquired the entire share capital of Heritage Envelopes Ltd. and most of [non-addressee]'s and [non-addressee]'s envelopes production assets which were transferred to GPV France SAS, a Mayer-Kuvert subsidiary.

Hamelin	5 November 2003 – 22 April 2008
Mayer-Kuvert	8 October 2003 – 22 April 2008
Tompla	8 October 2003 – 22 April 2008

2.3. Summary of the infringement

- (8) The overall aim of the cartel was to allocate customers and coordinate prices in several Member States and Contracting Parties to the EEA Agreement. Through a series of collusive contacts, the participating undertakings:
- (a) Allocated customers and agreed on sales volumes.
 - (b) Agreed on customer specific and non-customer specific price increases and shared customer reactions following such increases. Non-customer specific increases often aimed at passing-on the rising cost of paper.
 - (c) Coordinated their responses to tenders launched by major pan-European customers. In this context, they aimed at fixing actual tender prices and protecting their existing supplies.
 - (d) Put in place mechanisms aimed at maintaining the *status quo* by compensating the cartel participants for the loss of sales volumes and/or individual customers to another cartel participant.
 - (e) Exchanged commercially-sensitive information, in particular on commercial strategies, customers and sales volumes.
- (9) The geographic scope of the conduct as regards all parties covered Denmark, France, Germany, Norway, Sweden and the United Kingdom.

2.4. Remedies

- (10) The Decision applies the 2006 Guidelines in Fines ⁽⁹⁾. The Decision imposes fines on the relevant entities of the undertakings listed under point (1) above.
- 2.4.1. Basic amount of the fine
- (11) In setting the fines, the Commission took into account the undertakings' sales of stock/catalogue and special printed envelopes in the last full business year prior to the end of the cartel, the fact that price coordination arrangements are amongst the most harmful restrictions of competition, the duration of the cartel and an additional amount to deter undertakings from entering into price coordination practices.

⁹ OJ C 210, 1.9.2006, p. 2.

2.4.2. Adjustments to the basic amount

- (12) The Commission did not apply any aggravating circumstances. However, the Commission considered that mitigating circumstances applied for Mayer-Kuvert due to its limited involvement in the infringement.

2.4.3. Adaption of the adjusted basic amount

- (13) In view of the specific circumstances of this case, the Commission exercised its discretion in accordance with point 37 of the 2006 Fines Guidelines and adapted the fines in a way that takes into account the proportion of the sales of the cartelised product in relation to the total turnover and the differences between the parties in view of their individual participation in the infringement.

2.4.4. Application of the 10% turnover limit

- (14) In this case, none of the fines exceeded 10% of an undertaking's total turnover for 2013.

2.4.5. Application of the 2006 Leniency Notice

- (15) The Commission granted a 50% reduction of the fine to Tompla, a 25% reduction of the fine to Hamelin and a 10% reduction to Mayer-Kuvert (including a 10 % reduction of the separate fine imposed on GPV France SAS and Heritage Envelopes Ltd.).

2.4.6. Application of the Settlement Notice

- (16) As a result of the application of the Settlement Notice, the amount of the fine for all addressees was reduced by 10%.

2.4.7. Inability to pay

- (17) Two undertakings invoked their inability to pay under point 35 of the 2006 Fines Guidelines. Based on the Commission analysis of the undertakings' individual financial situations and the specific and economic context, the fines were reduced for both undertakings.

3. CONCLUSION

- (18) The following fines were imposed pursuant to Article 23(2) of Regulation (EC) No 1/2003:
- (a) Bong AB, Bong Sverige AB, Bong Belgium S.A., Bong U.K. Ltd. and Bong GmbH, jointly and severally liable: EUR 3 118 000;
 - (b) HOLDHAM S.A.: EUR 4 996 000;
 - (c) Edlef Bartl Holding GmbH, mayer-network GmbH and Mayer-Kuvert-network GmbH, jointly and severally liable: EUR 4 991 000;

- (d) GPV France SAS and Heritage Envelopes Ltd., jointly and severally liable:
EUR 1 651 000;
- (e) PRINTEOS, S.A., TOMPLA SOBRE EXPRES, S.L., TOMPLA SCANDINAVIA AB, TOMPLA FRANCE SARL and TOMPLA DRUCKERZEUGNISSE VERTRIEBS GMBH, jointly and severally liable:
EUR 4 729 000.