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Antitrust: Commission closes investigation into transport of bulk liquids by sea

The European Commission has closed an investigation under EC Treaty antitrust rules prohibiting restrictive business practices (Article 81) into alleged cartel arrangements for shipping liquids in bulk on deep sea routes.

In April 2007, the Commission sent a Statement of Objections to a number of companies (see [MEMO/07/131](#)). The Statement of Objections alleged that the undertakings concerned were involved in customer allocation, bid-rigging, price-fixing and the exchange of confidential market information concerning the maritime transport of bulk liquids on deep sea routes, thereby restricting competition in the EU market. At the time of the alleged infringements, between 1998 and 2002, tramp vessel services were excluded from the scope of Regulation No 4056/86, which established the procedural rules for the Commission to apply EC Treaty competition rules (Articles 81 and 82) to maritime transport. Tramp vessel services are non-regular and non-advertised shipping services. Therefore, the question of whether the services under investigation were tramp vessel services (and so excluded from Regulation 4056/86) or not was a key issue.

Throughout the investigation significant efforts were made to clarify the type of maritime transport services offered by the parties. After careful consideration of the extensive replies to the Statement of Objections, the Commission concluded that there was a possibility that the services at stake were indeed tramp vessel services. Therefore, the Commission has decided to close the case and informed the parties accordingly.

As Regulation No 4056/86 was repealed in 2006 and the exemption for tramp services no longer exists (see [IP/06/1249](#)), the issue of whether shipping services are tramp or not is irrelevant to assessing current infringements, as all shipping services are now subject to the general procedural rules for the Commission to apply the competition rules, laid down in Regulation 1/2003.