

WRITTEN QUESTION P-1766/06
by Bruno Gollnisch (NI)
to the Commission

Subject: Industrial bags cartel - fines imposed on 30 November 2005

On 30 November 2005, the Commission fined 16 companies a total of EUR 290.71 million for operating a cartel in the plastic industrial bags market between 1982 and 1999 (price fixing and market sharing). One of the companies fined was Trioplast Wittenheim SA in Alsace, France, which was supposed to pay a fine of EUR 17.85 million by 15 March 2006. Having failed to do so – this 45-employee firm has an annual turnover of EUR 12 million – Trioplast Wittenheim is now closed and its employees without a job.

For years this small Alsatian company was owned by larger companies. At the time of the cartel, it appears that Trioplast Wittenheim was owned 100% by the Danish company FLS Plast, which is one of the firms fined.

1. Can the Commission state what criteria were used to determine the level of the fines? Can it specify in particular how the companies' ability to pay the respective sums demanded was taken into account?
2. Can the Commission explain its reasons for making Trioplast Wittenheim alone responsible for paying the whole fine and not FLS Plast (or FLSmidth)?