



## French home appliance makers settle decade-long probe

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Electrolux and BSH are accepting fines to settle the French antitrust enforcer's allegations that they fixed resale prices and exchanged competitively sensitive information with four other rivals from 2014 to 2019.

BSH confirmed to GCR today that it has reached an agreement with France's Competition Authority, while Electrolux confirmed its own settlement in a statement yesterday.

The latter disclosed that it has set aside €56 million to end the investigation, although the antitrust agency's decision-making body will decide on a final sanction after a short hearing for each company later this year.

Electrolux also noted yesterday that a "minor" part of the €56 million will be used to settle a separate case elsewhere in Europe, but declined to disclose any further details.

The settlements come three months after the authority [sent](#) Electrolux a formal statement of objections that accused the Swedish home appliance maker of breaching French antitrust rules for five years.

The agency began investigating the alleged cartel in 2013 and raided several companies in the household appliances market in early 2014, which sparked a long-running dispute that led to Electrolux and others challenging the searches all the way to France's top court.

In February 2022, the Court of Cassation [upheld](#) the raids against Electrolux.

Meanwhile, the agency split the case into two separate investigations, with the first focusing on alleged conduct between 2006 and 2009 and the second from 2009 to 2014.

It closed its first probe by [sanctioning](#) Electrolux, Whirlpool, BSH, Candy Hoover, Eberhardt Frères and Indesit a combined €189 million in December 2018 for colluding to set recommended retail prices for refrigerators, washing machines and dishwashers.

Electrolux, one of the biggest operators in the market, was issued the second-highest fine of €48 million after Whirlpool's €56 million penalty.

Only Electrolux and BSH have so far publicly confirmed they have decided to settle the second probe. Whirlpool, Candy Hoover, Eberhardt Frères and Indesit were contacted for comment.

The French competition authority declined to comment.

Romain Maulin, a partner at Maulin Avocats in Paris, said Electrolux likely opted to settle this investigation as the agency had already fined it for colluding to set recommended retail prices in 2018.

The company may have faced an even higher sanction due to recidivism, so is attempting to mitigate the amount it will need to pay, he said.

Maulin said the agency's decision-making body usually grants the case handlers' recommendations so Electrolux and BSH's settlement offers will likely be accepted – although their suggested payment amounts are less certain.

Maulin added that settlements involving fines are on the rise in France as they are largely accepted by the competition authority, while settlements with commitments and leniency applications – much like in neighbouring jurisdictions – have seen a sharp decline.

Last month, the French agency settled a price-fixing and market-sharing probe into a bakery equipment manufacturer and its distribution network with a €2.95 million fine.

In September, it secured a €75 million sanction in a settlement agreement with Altice after the company violated an injunction guaranteeing its compliance with previous merger remedies.

Earlier last year, EDF agreed to pay €300 million as part of a settlement to end an abuse investigation that found the state-owned energy company unlawfully exploited the use of its customers' data to maintain its dominance in the electricity supply market.

#### Counsel to Electrolux

Clifford Chance

Partner David Tayar in Paris, assisted by Clémence Carlier, Charley Bailliard and Aya Bachiri

#### Counsel to BSH

White & Case

Partner Yann Utschneider and counsel Estelle Jegou in Paris

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