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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

TRW DEUTSCHLAND HOLDING GMBH

Defendant.
_____/

Case:2:12-cr-20491
Judge: Friedman, Bernard A.
MJ: Michelson, Laurie J.
Filed: 07-30-2012 At 11:07 AM
INFO USA VS. TRW DEUTSCHLAND HOLDIN G GMBH (DP)

Count I: 15 U.S.C. § 1

INFORMATION

COUNT ONE
CONSPIRACY TO RESTRAIN TRADE
(15 U.S.C. § 1)

THE UNITED STATES, ACTING THROUGH ITS ATTORNEYS, CHARGES:

Defendant and Co-Conspirators

1. TRW Deutschland Holding GmbH ("Defendant") is a corporation organized and existing under the laws of Germany with its principal place of business in Koblenz, Germany. During the period covered by this Count, Defendant, through its wholly-owned subsidiaries, was engaged in the business of manufacturing and selling seatbelts, airbags, and steering wheels to certain automobile manufacturers for installation in vehicles manufactured and sold in the United States and elsewhere.

2. Various corporations and individuals not made defendants in this Count participated as co-conspirators in the offense charged in this Information and performed acts and made statements in furtherance of it.

3. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

Background of the Offense

4. During the period covered by this Count, Defendant, through its wholly-owned subsidiaries, and its co-conspirators supplied seatbelts, airbags and steering wheels to two German automobile manufacturers for installation in vehicles manufactured and/or sold in the United States and elsewhere. During the period covered by this Count, Defendant and its co-conspirators manufactured seatbelts, airbags and steering wheels (a) in Germany and elsewhere for export to the United States and installation in vehicles manufactured and sold in the United States, and (b) in Germany and elsewhere for installation in vehicles manufactured in Germany for export to and sale in the United States.

5. Seatbelts are safety strap restraints designed to secure an occupant in position in a vehicle in the event of an accident. A seatbelt includes belt webbing, a buckle, a retractor, and hardware for installation in a vehicle. It may also include, depending on the requirements of the vehicle manufacturer, a height adjuster, a pretensioner, or other devices associated with the seatbelt.

6. Airbags are occupant restraints designed to control the movement of an occupant inside a vehicle in case of an accident. An airbag consists of a light fabric air bag, an inflator, which through use of pressurized gas (typically generated by pyrotechnic materials), rapidly inflates the airbag upon deployment, and an initiator to initiate the deployment. It may also

include, depending on the requirements of the vehicle manufacturer, an injection molded plastic decorative cover or other devices associated with the airbag.

7. Steering wheels consist of a die-cast armature (frame) covered by molded polyurethane and finished with leather, wood trim, or plastic, and may include various electronic features and controls, depending on the requirements of the vehicle manufacturer.

8. When purchasing seatbelts, airbags, and steering wheels, automobile manufacturers issue RFQs to automotive parts suppliers on a model-by-model basis for model specific parts. Automotive parts suppliers submit quotations, or bids, to the automobile manufacturers in response to RFQs, and the automobile manufacturers award the business to the selected automotive parts supplier for the lifespan of the model, which is usually four to six years. Typically, the bidding process for a particular model begins approximately three years prior to the start of production. German automobile manufacturers procure parts for U.S.-manufactured vehicles both in Germany and the United States.

Conspiracy to Restrain Trade

9. From January 2008 until at least June 2011, the exact dates being unknown to the United States, Defendant, through its employees, including high level employees of its wholly-owned subsidiaries, and its co-conspirators participated in a combination and conspiracy to suppress and eliminate competition in the automotive parts industry by agreeing to rig bids for, and to fix, stabilize, and maintain the prices of, seatbelts, airbags and steering wheels sold to two German automobile manufacturers in the United States and elsewhere. The combination and conspiracy engaged in by Defendant and its co-conspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of the Sherman Antitrust Act, 15 U.S.C. § 1.

10. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among Defendant and its co-conspirators, the substantial terms of which were to rig bids for, and to fix, stabilize, and maintain the prices of, seatbelts, airbags and steering wheels sold to two German automobile manufacturers.

Manner and Means of the Conspiracy

11. For purposes of forming and carrying out the charged combination and conspiracy, Defendant, through its employees, including high level employees of its wholly-owned subsidiaries, and its co-conspirators did those things that they combined and conspired to do, including, among other things:

a. participating in meetings, conversations, and communications to discuss the bids and price quotations to be submitted to two German automobile manufacturers;

b. agreeing, during those meetings, conversations, and communications, on bids and price quotations to be submitted to two German automobile manufacturers;

c. agreeing, during those meetings, conversations, and communications, to allocate the supply of seatbelts, airbags and steering wheels sold to two German automobile manufacturers;

d. agreeing, during those meetings, conversations, and communications, to coordinate price adjustments requested by two German automobile manufacturers;

e. submitting bids, price quotations, and price adjustments to two German automobile manufacturers in accordance with the agreements reached;

f. selling seatbelts, airbags and steering wheels to two German automobile manufacturers at collusive and noncompetitive prices;

g. accepting payment for seatbelts, airbags and steering wheels sold to two German automobile manufacturers at collusive and noncompetitive prices; and

h. engaging in meetings, conversations and communications in Germany for the purpose of monitoring and enforcing adherence to the agreed upon bid rigging and price-fixing scheme.

Trade and Commerce

12. During the period covered by this Count, Defendant, through its wholly-owned subsidiaries, and its co-conspirators sold to two German automobile manufacturers substantial quantities of seatbelts, airbags and steering wheels shipped from outside the United States and from other states in a continuous and uninterrupted flow of interstate and foreign trade and commerce. In addition, substantial quantities of equipment and supplies necessary to the production and distribution of seatbelts, airbags, and steering wheels sold by Defendant, through its wholly-owned subsidiaries, and its co-conspirators, as well as payments for seatbelts, airbags and steering wheels sold by Defendant, through its wholly-owned subsidiaries, and its co-conspirators, traveled in interstate and foreign commerce. The business activities of Defendant, its wholly-owned subsidiaries, and its co-conspirators in connection with the production and sale of seatbelts, airbags, and steering wheels that were the subject of the charged conspiracy were within the flow of, and substantially affected, interstate and foreign trade and commerce.

Jurisdiction and Venue

13. The combination and conspiracy charged in this Count was carried out within the United States, at least in part, within the five years preceding the filing of this Information.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

Dated: July 27, 2012

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