

Appeal brought on 21 February 2019 by the European Commission against the judgment of the General Court (Ninth Chamber) delivered on 12 December 2018 in Case T-684/14: Krka v Commission

(Case C-151/19 P)

(2019/C 148/27)

Language of the case: English

Parties

Appellant: European Commission (represented by: B. Mongin, F. Castilla Contreras, C. Vollrath, Agents, D. Bailey, Barrister)

Other party to the proceedings: Krka Tovarna Zdravil d.d.

Form of order sought

The appellant claims that the Court should:

- set aside points 1 to 4 of the operative part of the judgment of the General Court of the European Union in Case T-684/14;
- refer the case back to the General Court of the European Union pursuant to Article 61 of the Statute;
- order Krka to pay the Commission's costs.

Pleas in law and main arguments

The first plea alleges that the General Court erred in law in holding that Krka was not a source of competitive pressure on Servier at the time of the agreements in question.

The second plea alleges errors of law by the General Court in assessing the content and objectives of the licence agreement as an incentive for Krka to accept the restrictions of the settlement agreement.

The third plea alleges errors of law in the application of the concept of restriction of competition by object within the meaning of Article 101(1) TFEU.

The fourth plea alleges errors of law in the General Court's analysis of the parties' intentions for the purposes of applying Article 101 TFEU.

The fifth plea alleges that the General Court erred in law by taking into account the pro-competitive effects of the licence in markets that are not within the scope of the infringement of Article 101(1) TFEU found by the Decision.

The sixth plea alleges that the General Court erred in law in assessing the object of the assignment agreement.

The seventh plea alleges General Court erred in law in the application of the concept of the restriction of competition by effect within the meaning of Article 101(1) TFEU.
