

Action brought on 03 June 2018 — Tokin Corporation/Commission**(Case T-343/18)**

(2018/C 294/64)

*Language of the case: English***Parties**

Applicant: Tokin Corporation (Sendai City, Japan) (represented by: C. Thomas, T. Yuen and M. Perez, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Article 2(f) of Commission Decision C(2018) 1768 of 21 March 2018 in so far as it imposes a fine of EUR 5 036 000 on TOKIN Corporation, jointly and severally with NEC Corporation;
- set the amount of the fine imposed on TOKIN Corporation in Article 2(f) of that decision, jointly and severally with NEC Corporation, at a lower figure;
- annul Article 2(g) of that decision in so far as it imposes a fine of EUR 8 814 000 on TOKIN Corporation;
- set the amount of the fine imposed on TOKIN Corporation in Article 2(g) of that decision at a lower figure; and
- order the Commission to pay the Applicant's costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging that the Commission infringed Article 23(3) of Regulation No 1/2003 ⁽¹⁾ and the principle of equal treatment by relying on 2011/12 as the reference period for the determination of its value of sales.
2. Second plea in law, alleging that the Commission infringed Article 23(3) of Regulation No 1/2003 and the principle of personal liability by applying a reduction for mitigating circumstances to the basic amount of the fine, instead of reducing the gravity percentage used to calculate the basic amount, in relation to an aspect of the infringement for which the applicant was held liable.

⁽¹⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1).