

2. Second plea in law, alleging, in the alternative, that the contested decision errs in fact and law and is based on inadequate reasoning.
 - The decision errs in double-counting revenues that were passed on by the applicants to another addressee of the decision.
 - The decision errs by failing to acknowledge the applicants' substantially more limited conduct as compared to certain other addressees of the decision and thus by failing to apply to the applicants a lower gravity multiplier and lower additional amount and/or a mitigating circumstances discount.

Action brought on 29 December 2015 — Quanta Storage v Commission

(Case T-772/15)

(2016/C 098/64)

Language of the case: English

Parties

Applicant: Quanta Storage, Inc. (Taoyuan City, Taiwan) (represented by: B. Hartnett, Barrister, O. Geiss, lawyer, and W. Sparks, Solicitor)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission decision of 21 October 2015 in Case AT.39639 — Optical Disk Drives, relating to a proceeding under Article 101 TFEU and Article 53 EEA Agreement, in so far as it relates to the applicant;
- in the alternative, reduce the fine imposed on the applicant; and
- order the defendant to pay the applicant's costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission violated the applicant's rights of defence, the duty to state reasons and the right to good administration.
 - The contested decision is based on a finding of infringements that had not been put to the applicant in the administrative procedure.
 - The contested decision is based on assumptions regarding transparency in the market which the Commission has failed to investigate fully.
2. Second plea in law, alleging that the discrepancy between the operative part of the contested decision and the Commission's reasoning as regards the duration of the infringement in relation to Hewlett Packard results in a manifest error in law and breaches the duty to state reasons.
3. Third plea in law, alleging that the Commission failed to prove and provide adequate reasoning that the applicant participated in a single and continuous infringement.
 - The applicant did not participate in the infringement alleged between 14 February 2008 and 9 April 2008.

- The applicant did not participate in the infringement alleged between 10 April 2008 and 27 October 2008.
 - The applicant did not participate in an infringement on 28 October 2008.
 - There is insufficient evidence to show that the applicant was aware either of the cartel's overall plan or of its general scope and essential characteristics.
 - Legal consequences of the Commission's failure to prove the infringement alleged.
4. Fourth plea in law, alleging that the Commission failed to establish, to the requisite legal and evidential standard, that it had jurisdiction to apply Article 101 TFEU and Article 53 of the EEA Agreement.
5. Fifth plea in law, alleging that the Commission committed manifest errors of fact and law in calculating the amount of the fine, and breached the duty to state its reasons.
- The Commission erred in fact and in law when calculating the basic amount, and failed to state its reasons.
 - The Commission failed to use the best available figures on the value of the applicant's sales.
 - The Commission violated the principle of equal treatment when calculating the basic amount.
 - The Commission committed errors of assessment in considering gravity and mitigating circumstances.

Action brought on 4 January 2016 — Hitachi-LG Data Storage and Hitachi-LG Data Storage Korea v Commission

(Case T-1/16)

(2016/C 098/65)

Language of the case: English

Parties

Applicants: Hitachi-LG Data Storage, Inc. (Tokyo, Japan), and Hitachi-LG Data Storage Korea, Inc. (Seoul, Republic of Korea) (represented by: L. Gyselen and N. Ersbøll, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- reduce the amount of the fine imposed on the applicants by Article 2(d) of the decision of the Commission of 21 October 2015 in Case AT.39639 — Optical Disk Drives, relating to a proceeding under Article 101 TFEU and Article 53 EEA Agreement, thereby reflecting the particularities of the case; and
- order the costs of the proceedings to be borne by the Commission.