

**Action brought on 1 August 2014 — EAEPC v Commission****(Case T-574/14)**

(2014/C 409/67)

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

*Applicant:* European Association of Euro Pharmaceutical Companies (EAEPC) (Brussels, Belgium) (represented by: J. Buendía Sierra, L. Ortiz Blanco, Á. Givaja Sanz and M. Araujo Boyd, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- declare the application for annulment admissible;
- annul the European Commission's decision of 27 May 2014 in Case No COMP/AT.36957 *Glaxo Wellcome*;
- order the European Commission to bear its own costs as well as those which the EAEPC may incur in connection with these proceedings.

**Pleas in law and main arguments**

By its present action, the applicant seeks the annulment of Commission Decision C(2014) 3654 final of 27 May 2014 in Case COMP/AT.36957 — *Glaxo Wellcome*, whereby the Commission rejects the applicant's complaint thereby refusing a further investigation into the alleged infringement by Glaxo Wellcome SA, now GlaxoSmithKline SA, of Article 101 TFEU in the light of the judgments of 27 September 2006, *GlaxoSmithKline Services v Commission* (T-168/01, ECR, EU:T:2006:265) and of 6 October 2009, *GlaxoSmithKline Services v Commission* (C-501/06 P, C-513/06 P, C-515/06 P and C-519/06 P, ECR, EU:C:2009:610).

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

1. First plea in law, alleging that the Commission committed a manifest error of assessment in breach of Articles 101, 105 and 266 TFEU and Article 7 of Regulation No 1/2003 <sup>(1)</sup> in holding that the effect of the judgment *GlaxoSmithKline Services v Commission* (EU:C:2009:610) is that the initial decision of 2001 was considered null and void and that the situation was to be regarded as if the Commission had never adopted the 2001 Decision. The applicant further alleges that the Commission infringed its duty to give sufficient reasons and its obligation to hear the applicant on this issue before adopting a definitive decision.
2. Second plea in law, alleging that the contested decision infringes Article 101 TFEU or that the Commission failed to comply with its duty to state reasons under Article 296 TFEU when assessing the existence of an EU interest in the case. The applicant further submits that the Commission has infringed the applicant's fundamental right to be heard.
3. Third plea in law, alleging that all matters of fact and law are not analysed in the contested decision.

<sup>(1)</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles [101 TFEU] and [102 TFEU] (OJ 2003 L 1, p. 1).