

Pleas in law: Infringement of Rule 9(3)(a) of Regulation No 2868/95 and Article 7(1)(b) and (3) of Regulation No 207/2009.

Action brought on 8 September 2010 — Laufen Austria v Commission

(Case T-411/10)

(2010/C 301/91)

Language of the case: Spanish

Parties

Applicant: Laufen Austria AG (Wilhelmsburg, Austria) (represented by: E. Navarro Varona, lawyer)

Defendant: European Commission

Form of order sought

- Annul in part Articles 1 and 2 of the Decision of the European Commission of 23 June 2010 with regard to the fine imposed on Laufen Austria (considered both individually and jointly and severally with Roca Sanitario) for the alleged infringement of Article 101 TFEU; and consequently
- reduce the fine imposed on Laufen Austria, considered individually and jointly and severally with Roca Sanitario, in accordance with the claim set out in the application, in so far as the Court deems it appropriate on the grounds stated or on other grounds which it may consider;
- order the Commission to pay the costs incurred by Laufen Austria.

Pleas in law and main arguments

The contested decision in these proceedings is the same as in Case T-408/10 *Roca Sanitario v Commission*.

The pleas in law and main arguments are similar to those put forward in that case.

It is maintained, in particular, that the decision at issue, in holding that the applicant did not operate independently on the market and declaring Roca Sanitario to be responsible for its conduct, is vitiated by a manifest error of assessment.

In that regard and in the alternative, the decision infringes Article 23 of 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 as well as the principle of individual responsibility for infringements and the principle of proportionality, in relation to the amount of the fine imposed individually on the applicant for the infringement allegedly committed prior to its acquisition by Roca Sanitario. That amount exceeds 10 % of its turnover in the year preceding adoption of the contested decision and has been incorrectly established.

Action brought on 9 September 2010 — Roca v Commission

(Case T-412/10)

(2010/C 301/92)

Language of the case: Spanish

Parties

Applicant: Roca Sàrl (Saint Ouen L'Aumone, France) (represented by: P. Vidal Martínez, lawyer)

Defendant: European Commission

Form of order sought

- Annulment in part of Articles 1 and 2 of Commission Decision C(2010) 4185 of 23 June 2010 in so far as it imposes a disproportionate fine on Roca Sarl ('Roca France') for breach of Article 101 TFEU;
- accordingly, reduction of the fine imposed on Roca France, as requested in the present application, to the extent that the Court deems appropriate for the reasons set out or for such other reasons as the Court may determine, and
- an order that the Commission should pay the costs incurred by Roca France.

Pleas in law and main arguments

The decision contested in these proceedings is the same as that contested in Case T-408/10 *Roca Sanitario v Commission* and Case T-411/10 *Laufen Austria v Commission*.

The pleas in law and main arguments are similar to those relied on in those cases.
