

— an order that the Commission should pay the costs.

### Pleas in law and main arguments

The decision that is the subject of these proceedings is the same as that challenged in Case T-385/10 *ArcelorMittal v Commission*.

The applicant specifically alleges:

- misapplication of Article 101 TFEU so far as concerns the attribution of liability to MRT by reason of the alleged infringement of that article given that, on the one hand, it was not MRT but TYCSA (PSC) that was responsible for the supposed participation of TYCSA S.L. in the conduct described in the decision and, on the other, TYCSA S.L. did not form part of an economic entity with GSW/TYCSA. There are, therefore, no grounds for attributing to MRT any liability for the conduct of TYCSA S.L. and TYCSA PSC.
- commission of errors of fact and of law in assessing the conduct at issue, for the European Commission erred when it considered that all the agreements and meetings, taken as a whole, which took place in various Member States at different times, with different participants and different aims, constituted a single continuous infringement contrary to Article 101 TFEU. Moreover, the agreements identified do not amount to a coherent whole intended to attain a single aim;
- alternatively, the applicant seeks annulment or reduction of the fine for failure to observe the principles of proportionality, protection of legitimate expectations, non-retroactive effect and legal certainty, because the guidelines of 1998 were not applied in the computing of the fines, certain mitigating circumstances were not taken into account and because of infringement of the right to a fair hearing and lack of reasoning.

### Action brought on 16 September 2010 — Trefilerías Quijano v Commission

(Case T-427/10)

(2010/C 317/69)

*Language of the case: Spanish*

#### Parties

*Applicant:* Trefilerías Quijano (Los Corrales de Buelna, Spain) (represented by E. González Díaz and A. Tresandri Blanco, lawyers)

*Defendant:* European Commission

#### Form of order sought

- Annulment pursuant to Article 263 of the Treaty on the functioning of the European Union of the decision of the European Commission of 30 June 2010 C(2010) 4387 final on a proceeding under Article 101 TFEU in Case COMP/38.344 — Prestressing steel;
- or, in the alternative, annulment or reduction pursuant to Article 261 of the Treaty on the functioning of the European Union of the amount of the fine imposed by that decision;
- an order that the Commission should pay the costs.

### Pleas in law and main arguments

The decision challenged in these proceedings is the same as that in Case T-426/10 *Moreda-Riviere Trefilerías v Commission*.

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

The applicant denies that it should be held liable for the alleged infringement of Article 101 TFEU.

### Action brought on 16 September 2010 — Trenzas y Cables de Acero v European Commission

(Case T-428/10)

(2010/C 317/70)

*Language of the case: Spanish*

#### Parties

*Applicant:* Trenzas y Cables de Acero (Santander, Spain) (represented by E. González Díaz and A. Tresandí Blanco, lawyers)

*Defendant:* European Commission

#### Form of order sought

- Annulment pursuant to Article 263 of the Treaty on the functioning of the European Union of the decision of the European Commission of 30 June 2010 C(2010) 4387 final on a proceeding under Article 101 TFEU in Case COMP/38.344 — Prestressing steel;
- or, in the alternative, annulment or reduction pursuant to Article 261 of the Treaty on the functioning of the European Union of the amount of the fine imposed by that decision;
- an order that the Commission should pay the costs.