

GENERAL COURT

**Judgment of the General Court of 3 March 2011 —
Siemens v Commission**(Case T-110/07) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market in gas insulated switchgear projects — Decision finding an infringement of Article 81 EC and Article 53 of the EEA Agreement — Market sharing — Effects within the common market — Concept of continuous infringement — Duration of the infringement — Limitation period — Fines — Proportionality — Aggravating circumstances — Role of leader — Mitigating circumstances — Cooperation)

(2011/C 113/19)

Language of the case: German

Parties

Applicant: Siemens (Berlin and Munich, Germany) (represented: initially by I. Brinker, T. Loest and C. Steinle, and subsequently by I. Brinker and C. Steinle, lawyers)

Defendant: European Commission (represented: initially by F. Arbault and O. Weber, and subsequently by X. Lewis and R. Sauer, and lastly by R. Sauer and A. Antoniadis, Agents)

Re:

Partial annulment of Commission Decision C(2006) 6762 final of 24 January 2007 relating to a proceeding under Article 81 EC and Article 53 of the EEA Agreement (Case COMP/F/38.899 — Gas insulated switchgear) and, in the alternative, a reduction in the amount of fine imposed on the applicant.

Operative part of the judgment

The Court:

1. Dismisses the application;
2. Orders Siemens to pay the costs.

⁽¹⁾ OJ C 140, 23.6.2007.

**Judgment of the General Court of 3 March 2011 — Areva
and Others v Commission**(Cases T-117/07 and T-121/07) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market in gas insulated switchgear projects — Decision finding an infringement of Article 81 EC and Article 53 of the EEA Agreement — Rights of the defence — Duty to state the reasons on which the decision is based — Whether answerable for the infringement — Duration of the infringement — Fines — Joint and several liability for payment of a fine — Aggravating circumstances — Role of leader — Mitigating circumstances — Cooperation)

(2011/C 113/20)

Language of the case: French

Parties

Applicants: Areva, société anonyme, established in Paris (France); Areva T&D Holding SA; established in Paris, Areva T&D SA; established in Paris; Areva T&D AG, established in Oberentfelden (Switzerland) (represented by: A. Schild and J.-M. Cot, lawyers); and Alstom, société anonyme, (Levallois-Perret, France), (represented initially by J. Derenne, lawyer, W. Broere, Solicitor, A. Müller-Rappard and C. Guirado, lawyers, and then by J. Derenne and A. Müller-Rappard, lawyers)

Defendant: European Commission (represented by: initially by X. Lewis and F. Arbault, then by X. Lewis, and finally by V. Bottka and N. Von Lingen, acting as Agents)

Re:

Partial annulment of Commission Decision C(2006) 6762 Final of 24 January 2007, relating to a proceeding under Article 81 EC and Article 53 EEA (Case COMP/F/38.899 — Gas Insulated Switchgear), concerning a cartel in the gas insulated switchgear projects sector entailing manipulation of the bidding procedure for those projects, the fixing of minimum tender prices, the allocation of quotas and of projects, and exchanges of information, and also, in the alternative, annulment or reduction of the fine imposed on the applicants

Operative part of the judgment

The Court:

1. Joins Cases T-117/07 and T-121/07 for the purposes of the judgment;
2. Annuls Article 2(b) and (c) of Commission Decision C(2006) 6762 final of 24 January 2007 relating to a proceeding under Article 81 EC and Article 53 of the EEA Agreement (Case COMP/F/38.899 — Gas insulated switchgear);
3. For the infringements found in Article 1(b) to (f) of Decision C(2006) 6762 final, imposes the following fines:
 - Alstom, société anonyme: EUR 10 327 500;