

GENERAL COURT

Judgment of the General Court of 17 May 2013 — Parker ITR and Parker-Hannifin v Commission(Case T-146/09) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European market for marine hoses — Decision finding an infringement of Article 81 EC and Article 53 of the EEA Agreement — Price-fixing, market-sharing and the exchange of commercially sensitive information — Attributability of unlawful conduct — Fines — 2006 Guidelines on the method of setting fines — Legal certainty — Ceiling of 10 % — Mitigating circumstances — Cooperation)

(2013/C 189/29)

Language of the case: English

Parties

Applicants: Parker ITR Srl (Veniano, Italy) and Parker-Hannifin Corp. (Mayfield Heights, Ohio, United States) (represented by: B. Amory, F. Marchini Càmia, and F. Amato, lawyers)

Defendant: European Commission (represented: initially by N. Khan, V. Bottka and S. Noë, and subsequently by V. Bottka, S. Noë and R. Sauer, acting as Agents)

Re:

Application for partial annulment of Commission Decision C(2009) 428 final of 28 January 2009 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39406 — Marine hoses), in so far as that decision concerns the applicants, and, in the alternative, for annulment or a substantial reduction in the fine imposed on them in that decision

Operative part of the judgment

The Court:

1. Annuls Article 1(i) of Commission Decision C(2009) 428 final of 28 January 2009 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39406 — Marine hoses), in so far as in that decision the European Commission found that Parker ITR Srl had participated in the infringement in respect of the period before 1 January 2002;
2. Annuls Article 2(e) of Decision C(2009) 428 final;
3. Sets the amount of the fine imposed on Parker ITR at EUR 6 400 000, of which Parker-Hannifin Corp. is jointly and severally liable for EUR 6 300 000;
4. Dismisses the action as to the remainder;

5. Orders the Commission to bear its own costs and to pay those incurred by Parker ITR and Parker-Hannifin.

⁽¹⁾ OJ C 141, 20.6.2009.**Judgment of the General Court of 17 May 2013 — Trelleborg Industrie and Trelleborg v Commission**(Joined Cases T-147/09 and T-148/09) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European market for marine hoses — Decision finding an infringement of Article 81 EC and Article 53 of the EEA Agreement — Price-fixing, market-sharing and the exchange of commercially sensitive information — Concept of continuing or repeated infringement — Limitation period — Legal certainty — Equal treatment — Fines — Gravity and duration of the infringement)

(2013/C 189/30)

Language of the case: English

Parties

Applicants: Trelleborg Industrie SAS (Clermont-Ferrand, France) (Case T-147/09); and Trelleborg AB (Trelleborg, Sweden) (Case T-148/09) (represented by: J. Joshua, Barrister, and E. Aliende Rodríguez, lawyer)

Defendant: European Commission (represented by: N. Khan, V. Bottka and S. Noë, acting as Agents)

Re:

Application for partial annulment of Commission Decision C(2009) 428 final of 28 January 2009 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39406 — Marine hoses), in so far as that decision concerns the applicants, and, in the alternative, for annulment or a substantial reduction in the fine imposed on them in that decision

Operative part of the judgment

The Court:

1. Annuls Article 1(g) and (h) of Commission Decision C(2009) 428 final of 28 January 2009 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39406 — Marine hoses), in so far as it applies to the period from 13 May 1997 to 21 June 1999;
2. Dismisses the actions as to the remainder;