

Action brought on 23 January 2014 — Goldfish and Others v Commission

(Case T-54/14)

(2014/C 71/51)

*Language of the case: Dutch***Parties**

Applicants: Goldfish BV (Zoutkamp, Netherlands), Heiploeg BV (Zoutkamp), Heiploeg Beheer BV (Zoutkamp), and Heiploeg Holding BV (Zoutkamp) (represented by: P. Glazener and B. Winters, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the General Court should:

- annul, fully or in part, the Decision insofar as it is addressed to the applicants;
- annul, or reduce, the fine imposed on the applicants;
- adopt the measures which the Court considers necessary;
- order the European Commission to pay the costs of the present proceedings.

Pleas in law and main arguments

The applicants contest the decision of the Commission of 27 November 2013 in a proceeding under Article 101 TFEU (AT.39633 — *Shrimps*).

In support of the action, the applicants rely on three pleas in law.

1. First plea in law, alleging breach of Article 101 TFEU and Article 2 of Regulation 1/2003⁽¹⁾ due to the Commission's use of secretly-recorded audio recordings as evidence of infringement of Article 101 TFEU.

2. Second plea in law, alleging breach of Article 101 TFEU and Article 2 of Regulation 1/2003 due to the Commission's use of notes from secretly-recorded audio recordings as evidence of infringement of Article 101 TFEU.

3. Third plea in law, alleging an unlawful refusal to apply paragraph 35 of the Fining Guidelines,⁽²⁾ due to the Commission refusing to take into account the inability of the applicants to pay the fine.

⁽¹⁾ 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 (OJ 2003 L 1, p. 1).

⁽²⁾ Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003 (OJ 2006 C 210, p. 2).

Order of the General Court of 14 January 2014 — Hanwha SolarOne and Others v Parliament and Others(Case T-136/13)⁽¹⁾

(2014/C 71/52)

Language of the case: English

The President of the Fifth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 123, 27.4.2013.

Order of the General Court of 10 January 2014 — MHCS v OHIM — Compañía Vinícola del Norte de España (ICE IMPERIAL)(Case T-555/13)⁽¹⁾

(2014/C 71/53)

Language of the case: English

The President of the Second Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 377, 21.12.2013.