

**Pleas in law and main arguments**

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging that, the Decision fails to adduce evidence capable of demonstrating to the requisite legal standard that the applicant participated in the single continuous infringement, as the Decision relies on incorrect reasoning and adduces insufficient evidence of the applicant's participation in the infringement in violation of Article 101(1) TFEU, Article 2 of Regulation 1/2003 and the principle of the presumption of innocence.
2. Second plea in law, alleging that the Decision's application of point 18 of the Fining Guidelines violates the Fining Guidelines and infringes the principles of proportionality, equal treatment and the protection of legitimate expectations because:
  - it fails to comply with the Commission's Fining Guidelines without objective justification, by treating UG and SM power cables separately for the purpose of allocating sales in the EEA to the applicant and by failing to adequately reflect the relative weight of the applicant in the infringement;
  - it produces a discriminatory advantage on producers (including the applicant) that only produced UG power cables; and
  - it leads to a disproportionately large allocation of sales in the EEA to the applicant.
3. Third plea in law, alleging that the Decision breaches Article 23 of Regulation (EC) 1/2003, point 20 of the Fining Guidelines and the principle of proportionality by failing properly to have regard to the gravity of the infringement in fixing the applicant's amount of the fine by failing to take account of:
  - the fact that the applicant only produced UG power cables;
  - the applicant's lack of knowledge about the SM part and certain key elements of the UG part of the infringement; and
  - the applicant's competitive conduct in the EEA and in the export territories and its disruption of the UG part of the cartel.
4. Fourth plea in law, alleging that the Decision breaches the principles of proportionality and equal treatment in failing to grant the applicant a mitigating circumstance reduction higher than 11 %.

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**Action brought on 16 June 2014 — Taihan Electric Wire v Commission****(Case T-446/14)**

(2014/C 282/60)

*Language of the case: English***Parties**

*Applicant:* Taihan Electric Wire Co. Ltd (Anyang-Si, Republic of Korea) (represented by: R. Antonini and E. Monard, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- Annul Commission Decision C(2014) 2139 of 2 April 2014 relating to a proceeding under Article 101 TFEU and Article 53 EEA in case AT.39610 — Power Cables (the 'Decision') insofar as it is addressed to the applicant;

- In the alternative, reduce the fine imposed on the Applicant, and;
- Order the Commission to bear the costs of these proceedings.

### **Pleas in law and main arguments**

In support of the action, the applicant relies on five pleas in law.

1. First plea in law, alleging that the Commission could not assert jurisdiction over the applicant's conduct failed to demonstrate that the applicant participated in an infringement that it can sanction under Article 101 of the TFEU, since the object of its alleged anti-competitive behavior did not concern the EEA market and its alleged involvement in the anti-competitive behavior could not have and did not have any effect on trade in the EEA market.
2. Second plea in law, alleging that the Commission erroneously relied on evidence obtained at the inspections held at certain companies, in view of the illegality of the inspection decisions.
3. Third plea in law, alleging that the Commission erroneously determined the duration of the alleged infringement with respect to the applicant, thereby violating inter alia the principles of in dubio pro reo and non-discrimination and failing to produce the relevant evidence.
4. Fourth plea in law, alleging that the different approach taken by the Commission with respect to the applicant and other companies for which similar evidence was available in the file violates the principles of non-discrimination and proportionality vis-à-vis the applicant.
5. Fifth plea in law, alleging that the Commission's determination of the fine to be imposed on the applicant violated the principle of non-discrimination, the principle of proportionality as laid down inter alia in Article 5 TEU, as well as Article 49 of the Charter of fundamental rights of the European Union, Article 23(3) 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, the Guidelines (including point 18 and point 37 thereof) and the principle of legitimate expectations.

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### **Action brought on 16 June 2014 — nkt cables and NKT Holding v Commission**

**(Case T-447/14)**

(2014/C 282/61)

*Language of the case: English*

### **Parties**

*Applicants:* nkt cables GmbH (Köln, Germany) and NKT Holding A/S (Brøndby, Denmark) (represented by: M. Kofmann and B. Creve, lawyers)

*Defendant:* European Commission

### **Form of order sought**

The applicants claim that the Court should:

- Annul Commission Decision C(2014) 2139 of 2 April 2014 relating to a proceeding under Article 101 TFEU and Article 53 EEA in case AT.39610 — Power Cables (the 'Decision');
- In the alternative, partially annul the Decision and substantially reduce the fine imposed on them;
- Order the Commission to pay the costs;
- Take any other measures that it considers appropriate.