

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission has infringed the applicants' rights of defence and the general principle of equality of arms, by refusing to allow them to access potentially exculpatory evidence received by the Commission after the notification of its Statement of Objections.
2. Second plea in law, alleging that Commission wrongly defined the territorial scope of the single and continuous infringement and erroneously applied the effects criterion.
3. Third plea in law, alleging that the Decision contained manifest errors of assessment in relation to the conduct in which NKT Cables was found to have been involved, and in relation to the conclusion that such conduct proved NKT Cables' participation in or awareness of all activities constituting the single and continuous infringement.
4. Fourth plea in law, alleging that the Commission erred in its findings as to the duration of NKT Cables' participation in the single and continuous infringement.
5. Fifth plea in law, alleging that the level of the fine which was imposed on the Applicants was unjustifiably and disproportionately high.

Action brought on 17 June 2014 — Hitachi Metals v Commission

(Case T-448/14)

(2014/C 282/62)

Language of the case: English

Parties

Applicant: Hitachi Metals Ltd (Tokyo, Japon) (represented by: P. Crowther and C. Drew, Solicitors)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Annul the 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 amount of the fine imposed on J-Power Systems and the applicant; and
- Order the Commission to pay the costs.

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 must be annulled because the Commission has failed to prove a single complex continuous infringement involving an agreement between Asian and European producers to stay out of each other's home territories and an agreement to allocate among European companies projects within the European Economic Area (EEA).
2. Second plea in law, alleging that the Commission has committed errors in fact and in law in the application of Article 101 TFEU, in so far as the Decision fails to prove to the required legal standard the involvement of J-Power Systems Corporation over the entire duration of the infringement.
3. Third plea in law, alleging that the Commission has committed errors of law and assessment in calculating the fine imposed on J-Power Systems Corporation, as such fine does not reflect the gravity of the infringement and J-Power Systems Corporation's substantially limited role for a significant duration thereof.

4. Fourth plea in law, alleging that the Decision must be annulled in its entirety to the extent that it relies to a decisive extent on evidence that the Commission illegally seized during inspections at the premises of Nexans. Such evidence is essential to the Commission's findings and in particular to the establishment of a single and continuous nature of the infringement as well as to the establishment of an allocation between European companies of projects within the European Economic Area (EEA).

Action brought on 17 June 2014 — Nexans France and Nexans v Commission

(Case T-449/14)

(2014/C 282/63)

Language of the case: English

Parties

Applicants: Nexans France (Clichy, France); and Nexans SA (Paris, France) (represented by: M. Powell, Solicitor, G. Forwood, Barrister, and A. Rogers, Solicitor)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- Annul the 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');
- Annul part of the contested decision in so far as it found that Nexans France participated in an infringement before 22 February 2001;
- Reduce the fines imposed on the Applicants by an amount that corresponds to a shorter duration and a reduced gravity factor; and
- Order the Commission to pay the applicants' costs in these proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that in removing certain data in the course of the unannounced inspection at the premises of Nexans France, the Commission acted beyond the powers conferred on it by Regulation 1/2003 and breached the applicants' right to privacy.
2. Second plea in law, alleging that the Commission erred in determining the duration of the infringement.
3. Third plea in law, alleging that the Commission made a manifest error of assessment in that it failed to take account of the alleged infringement's lack of implementation and lack of effects on customers, failed to give adequate reasons and breached the principle of equal treatment.

Action brought on 27 June 2014 — CHEMK and KF v Commission

(Case T-487/14)

(2014/C 282/64)

Language of the case: English

Parties

Applicants: Chelyabinsk electrometallurgical integrated plant OAO (CHEMK) (Chelyabinsk, Russia) and Kuzneckie ferrosplav OAO (KF) (Novokuznetsk, Russia) (represented by: B. Evtimov and M. Krestiyanova, lawyers)

Defendant: European Commission