

2. Second plea in law, alleging, in the alternative, that the Commission failed to discharge its burden of proof in asserting that the applicant continued its participation in any infringement after 11 June 2001 or that it 'continued' its involvement via VISCAS Corporation after 30 September 2001.
3. Third plea in law, alleging, in the alternative, that the Commission failed to discharge its burden of proof regarding the applicant's level of involvement in the infringement.
4. Fourth plea in law, alleging that the fine imposed on the applicant in respect of the period prior to 1 October 2001 is time-barred.
5. Fifth plea in law, alleging, in the alternative, that the Commission made errors in the calculation of the fine imposed on the applicant by:
 - using an inappropriate value of sales figure to calculate the fine imposed on the applicant;
 - miscalculating the multiplier for duration; and
 - failing to apply a mitigating circumstance to the applicant.
6. Sixth plea in law, asking the Court to extend to the applicant the benefit of any reduction in the fine which the Court may grant to VISCAS Corporation, in any application made by VISCAS Corporation for annulment or variation of the fine imposed on it in the contested decision.
7. Seventh plea in law, alleging that the fine is, in all the circumstances, manifestly disproportionate, excessive and inappropriate and that the Court should therefore exercise its unlimited jurisdiction pursuant to Article 261 TFEU and Article 31 of Regulation No 1/2003 to review the level of the fine and in doing so substantially reduce it.

(¹) Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles [101 TFEU] and [102 TFEU] (OJ 2003 L 1, p. 1).

Action brought on 16 June 2014 — ABB v Commission

(Case T-445/14)

(2014/C 303/47)

Language of the case: English

Parties

Applicants: ABB Ltd (Zürich, Switzerland); and ABB AB (Västerås, Sweden) (represented by: I. Vandenborre and S. Dionnet, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul in part Article 1 of the decision finding that the applicants participated in a single and continuous infringement in the (extra) high voltage underground and/or submarine power cable sector insofar as the finding extends to all projects for underground power cables with voltages of 110 kV and above (and not only underground power cable projects with voltages of 220 kV and above);

- annul in part Article 1 of the decision finding that the applicants participated in a single and continuous infringement in the (extra) high voltage underground and/or submarine power cable sector insofar as the finding extends to all accessories relating to underground power cable projects with voltages of 110 kV and above (and not only accessories relating to underground power cable projects with voltages of 220 kV and above);
- annul in part Article 1 of the decision insofar as it finds that the applicants' participation in the infringement started on 1 April 2000;
- order the Commission to pay the costs.

Pleas in law and main arguments

By its present action, the applicants seek the annulment, in part, of Commission Decision C(2014) 2139 final of 2 April 2014 in case AT.39610 — Power Cables.

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

1. First plea in law, alleging that the Commission failed to meet its burden of proof and committed a manifest error of assessment in assuming that the infringement covered all underground power cable projects with voltages of 110 kV and above, when the Commission's file contained clear indications that not all projects with voltages below 220 kV were subject to the infringement.
2. Second plea in law, alleging that the Commission did not meet its burden of proof in establishing the applicants' participation in such an infringement covering all underground power cable projects with voltages of 110 kV and above.
3. Third plea in law, alleging that the Commission committed a manifest error of assessment in including within the scope of the infringement all underground power cable accessories relating to underground cable projects with a voltage of 110 kV and above, when the evidence in the Commission's file showed that the infringement extended only to power cables accessories relating to underground power cable projects with a voltage of 220 kV and above.
4. Fourth plea in law, alleging that the Commission erred in law when finding that the applicants participated in the infringement as from 1 April 2000.
5. Fifth plea in law, alleging that the Commission made a manifest error of assessment and breached the presumption of innocence by assuming that the applicants' participation in the infringement started on the earliest possible date.
6. Sixth plea in law, alleging that the contested decision is inadequately reasoned contrary to Article 296 TFEU.

Action brought on 17 June 2014 — Sumitomo Electric Industries and J-Power Systems v Commission

(Case T-450/14)

(2014/C 303/48)

Language of the case: English

Parties

Applicants: Sumitomo Electric Industries Ltd (Osaka, Japan); and J-Power Systems Corp. (Tokyo) (represented by: M. Hansen, L. Crocco, J. Ruiz Calzado and S. Völcker, lawyers)

Defendant: European Commission