Form of order sought

The applicants claim that the Court should:

— annul the decision insofar as it holds the applicants liable for a single complex continuous infringement including the European and the A/R configuration or, in the alternative, substantially reduce the fine;

— in the alternative, annul Article 1(8)(a)-(c) of the decision insofar as it holds the applicants liable for an infringement in the period between 26 July 2006 and 10 April 2008;

— in the further alternative, annul Article 2(m) of the Commission decision and reduce the amount of the fine imposed on the applicants in view of the applicants' substantially limited involvement in the period between 26 July 2006 and 10 April 2008; and

— annul the decision in its entirety as it relies to a decisive extent on evidence illegally seized at the premises of Nexans SA and Nexans France;

— ordering the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission 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 committed errors in fact and in law in the application of Article 101 TFEU, in so far as the contested decision failed to prove to the required legal standard the applicants' involvement over the entire duration of the infringement.

3. Third plea in law, alleging that the Commission committed errors of law and assessment in calculating the fine imposed on the applicants, as the fine imposed does not reflect the gravity of the infringement and the applicants' substantially limited role for a significant duration thereof.

4. Fourth plea in law, alleging infringement of an essential procedural requirement and rights of defence as the contested decision relies to a decisive extent on evidence that the Commission illegally seized during inspections at the premises of Nexans.

Action brought on 16 June 2014 — Fujikura v Commission

(Case T-451/14)

(2014/C 303/49)

Language of the case: English

Parties

Applicant: Fujikura Ltd (Tokyo, Japan) (represented by: L. Gyselen, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— reduce the fine imposed on it in Article 2 (o) of the decision for its direct participation in the cartel between 18 February 1999 and 30 September 2001;

— annul Article 2 (p) of the decision insofar as it holds Fujikura jointly and severally liable for the fine imposed on Viscas between 1 January 2005 and 28 January 2009;

— order the costs of the proceedings to be borne by the Commission.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission erred by including Viscas' parents' independent sales in 2004 into the value of sales used for the determination of the basic amount of the fine. The applicant submits that it only participated in the alleged cartel until 30 September 2001 and that its independent sales in the course of 2004 did not form part of the cartel.

2. Second plea in law, alleging that the Commission infringed the principle of proportionality by insufficiently taking into account the limited weight of the Japanese undertakings in the cartel when setting the basic amount of the fine. The applicant submits that since it faced significant technical and commercial entry barriers in Europe, its commitment not to compete in the European Economic Area (EEA) was immaterial for the effectiveness of the European suppliers' customer allocation arrangements within the EEA. The Commission should therefore have differentiated more significantly the gravity factors used for the fines imposed upon the applicant (or other Asian suppliers) and upon European suppliers.

3. Third plea in law, alleging that the Commission erred by retaining the applicant's parent liability for the fine imposed on Viscas also from 1 January 2005 onwards. The applicant submits that when Viscas became a full-function joint venture in January 2005, the legal links (e.g. reporting), organizational links (e.g. secondment of full time directors) and economic links (e.g. guarantees for borrowings) between Viscas and the applicant became too thin for the Commission to conclude that the applicant continued to exercise decisive influence over Viscas during the infringement period between January 2005 and January 2009.

Action brought on 13 June 2014 — Magyar Bencés Kongregáció Pannonhalmi Főapátság v European Parliament

(Case T-453/14)

(2014/C 303/50)

Language of the case: Hungarian

Parties

Applicant: Magyar Bencés Kongregáció Pannonhalmi Főapátság (Pannonhalma, Hungary) (represented by: D. Sobor, lawyer)

Defendant: European Parliament