

Judgment of the General Court of 15 July 2015 — Westfälische Drahtindustrie and Others v Commission

(Case T-393/10) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European prestressing steel market — Price fixing, market sharing and exchanging of sensitive commercial information — Complex infringement — Single and continuous infringement — Distancing — Gravity of the infringement — Mitigating circumstances — Equal treatment — Principle that penalties must fit the offence — Assessment of the ability to pay — 2002 Commission notice on cooperation — 2006 Guidelines on the method of setting fines — Unlimited jurisdiction)

(2015/C 302/43)

Language of the case: German

Parties

Applicants: Westfälische Drahtindustrie GmbH (Hamm, Germany); Westfälische Drahtindustrie Verwaltungsgesellschaft mbH & Co. KG (Hamm); Pampus Industriebeteiligungen GmbH & Co. KG (Iserlohn, Germany) (represented initially by C. Stadler and N. Tkatchenko, and subsequently by C. Stadler and S. Budde, lawyers)

Defendant: European Commission (represented by: V. Bottka, R. Sauer and C. Hödlmayr, Agents, and M. Buntscheck, lawyer)

Re:

Application for annulment and alteration of Commission Decision C(2010) 4387 final of 30 June 2010 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (case COMP/38344 — Prestressing Steel), amended by Commission Decision C(2010) 6676 final of 30 September 2010, and by Commission Decision C(2011) 2269 final of 4 April 2011, and application for annulment of the letter of 14 February 2011 of the Director-General of the Directorate-General for Competition of the Commission.

Operative part of the judgment

The Court:

1. Declares that there is no longer any need to adjudicate in the present action in respect of the amount of the reduction granted to Westfälische Drahtindustrie GmbH and Westfälische Drahtindustrie Verwaltungsgesellschaft mbH & Co. KG in Commission Decision C(2010) 6676 final of 30 September 2010;
2. Annuls Article 2(8) of Commission Decision C(2010) 4387 final of 30 June 2010 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (case COMP/38344 — Prestressing Steel), amended by Commission Decision C(2010) 6676 final of 30 September 2010, and by Commission Decision C(2011) 2269 final of 4 April 2011;
3. Annuls the letter of 14 February 2011 of the Director-General of the Directorate-General for Competition of the Commission;
4. Imposes a fine of EUR 15 485 000, on a joint and several basis, on Westfälische Drahtindustrie, Westfälische Drahtindustrie Verwaltungsgesellschaft mbH & Co. and Pampus Industriebeteiligungen GmbH & Co.;

5. Imposes a fine of EUR 23 370 000, on a joint and several basis, on Westfälische Drahtindustrie and Westfälische Drahtindustrie Verwaltungsgesellschaft mbH & Co.;
6. Imposes a fine of EUR 7 695 000 on Westfälische Drahtindustrie;
7. Dismisses the action as to the remainder;
8. Orders Westfälische Drahtindustrie, Westfälische Drahtindustrie Verwaltungsgesellschaft mbH & Co. and Pampus Industriebeteiligungen GmbH & Co. to bear half of their own costs, including those relating to the proceedings for interim measures. The Commission shall bear its own costs and pay half of the costs incurred by Westfälische Drahtindustrie, Westfälische Drahtindustrie Verwaltungsgesellschaft mbH & Co. and Pampus Industriebeteiligungen GmbH & Co., including those relating to the proceedings for interim measures.

⁽¹⁾ OJ C 301, 6.11.2010.

Judgment of the General Court of 15 July 2015 — *Fapricela v Commission*

(Case T-398/10) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European prestressing steel market — Price fixing, market sharing and exchanging of sensitive commercial information — Decision finding an infringement of Article 101 TFEU — Cooperation during the administrative procedure)

(2015/C 302/44)

Language of the case: Portuguese

Parties

Applicant: Fapricela — Indústria de Trefilaria, SA (Ançã, Portugal) (represented initially by M. Gorjão-Henriques and S. Roux, lawyers, and subsequently by T. Guerreiro, R. Lopes and S. Alberto, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre, P. Costa de Oliveira and V. Bottka, Agents, and M. Marques Mendes, lawyer)

Re:

Application for annulment and alteration of Commission Decision C(2010) 4387 final of 30 June 2010 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (case COMP/38344 — Prestressing Steel), amended by Commission Decision C(2010) 6676 final of 30 September 2010, and by Commission Decision C(2011) 2269 final of 4 April 2011.

Operative part of the judgment

The Court:

1. Annuls Commission Decision C(2010) 4387 final of 30 June 2010 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (case COMP/38344 — Prestressing Steel), amended by Commission Decision C(2010) 6676 final of 30 September 2010, and by Commission Decision C(2011) 2269 final of 4 April 2011 in so far as it finds that Fapricela — Indústria de Trefilaria, SA infringed Article 101(1) TFEU not only by participating in an infringement of that provision in the Iberian market but also by participating in a cartel covering the internal market and subsequently within the European Economic Area (EEA), and imposed on it a fine of EUR 8 874 000;