

Judgment of the General Court of 9 September 2015 — Toshiba v Commission**(Case T-104/13) ⁽¹⁾*****(Competition — Agreements, decisions and concerted practices — Global market for cathode ray tubes for television sets and computer monitors — Decision finding an infringement of Article 101 TFEU and Article 53 of the EEA Agreement — Agreements and concerted practices on pricing, market sharing, capacity and production — Proof of participation in the cartel — Single and continuous infringement — Imputability of the infringement — Joint control — Fines — Unlimited jurisdiction)***

(2015/C 346/23)

Language of the case: English

Parties

Applicant: Toshiba Corp. (Tokyo, Japan) (represented by: J. MacLennan, Solicitor, J. Jourdan, A. Schulz and P. Berghe, lawyers)

Defendant: European Commission (represented by: A. Biolan, V. Bottka and M. Kellerbauer, acting as Agents)

Re:

Application for annulment of Commission Decision C(2012) 8839 final of 5 December 2012 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (Case COMP/39.437 — TV and Computer Monitor Tubes), in so far as it concerns the applicant, and, in the alternative, cancellation or reduction of the amount of the fine which was imposed on it.

Operative part of the judgment

The Court:

1. Annuls, in part, Article 1(2)(d) of Commission Decision C(2012) 8839 final of 5 December 2012 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (Case COMP/39.437 — TV and Computer Monitor Tubes) in so far as it finds that Toshiba Corp. participated in a global cartel in the market for colour picture tubes for television sets from 16 May 2000 until 31 March 2003;
2. Annuls Article 2(2)(g) of that decision in so far as it imposes a fine of EUR 28 048 000 on Toshiba for its direct participation in a global cartel in the market for colour picture tubes for television sets;
3. Sets the amount of the fine imposed on Toshiba in Article 2(2)(h) of the decision at issue, jointly and severally with Panasonic Corp. and MT Picture Display Co. Ltd, at EUR 82 826 000;
4. Dismisses the action as to the remainder;
5. Orders each party to bear its own costs.

⁽¹⁾ OJ C 114, 20.4.2013.