

# GENERAL COURT

## Judgment of the General Court of 17 December 2015 — *Orange Polska v Commission*

(Case T-486/11) <sup>(1)</sup>

*(Competition — Abuse of dominant position — Polish telecommunications market — Decision establishing an infringement of Article 102 TFEU — Conditions imposed by the incumbent operator for allowing paid access for new operators to the network and to wholesale broadband access services — Legitimate interest in finding that an infringement was committed — Fines — Obligation to state reasons — Gravity of the infringement — Mitigating circumstances — Proportionality — Unlimited jurisdiction — 2006 Guidelines on the method of setting fines)*

(2016/C 059/11)

Language of the case: English

### Parties

*Applicant:* Orange Polska S.A. formerly Telekomunikacja Polska S.A. (Warsaw, Poland) (represented: initially by M. Modzelewska de Raad, P. Paśnik, S. Hautbourg, lawyers, A. Howard, Barrister, and C. Vajda QC, and subsequently by M. Modzelewska de Raad, P. Paśnik, S. Hautbourg, A. Howard and D. Beard QC)

*Defendant:* European Commission (represented: initially by B. Gencarelli, K. Mojzesowicz and G. Koleva, and subsequently by K. Mojzesowicz, G. Koleva and M. Malferrari and finally by G. Koleva, M. Malferrari, É. Gippini Fournier and J. Szczodrowski, Agents)

*Interveners in support of the applicant:* Polska Izba Informatyki i Telekomunikacji (Warsaw, Poland) (represented: P. Rosiak and K. Karasiewicz, lawyers)

*Intervener in support of the defendant:* European Competitive Telecommunications Association (represented: initially by P. Alexiadis and J. MacKenzie, and subsequently by J. MacKenzie, Solicitors)

### Re:

Application for the full or partial annulment of Commission Decision C(2011) 4378 final of 22 June 2011 relating to a proceeding under Article 102 TFEU (Case COMP/39.525 — Telekomunikacja Polska) and for a reduction of the fine imposed by the Commission in Article 2 of that decision.

### Operative part of the judgment

*The Court:*

1. Dismisses the action;
2. Orders Orange Polska S.A. to bear its own costs and to pay those of the European Commission;
3. Orders Polska Izba Informatyki i Telekomunikacji and the European Competitive Telecommunications Association to bear their own costs.

<sup>(1)</sup> OJ C 340, 19.11.2011.