

GENERAL COURT

Judgment of the General Court of 2 June 2016 — *Moreda-Riviere Trefilerías and Others v Commission*

(Joined Cases T-426/10 to T-429/10, T-438/12 to T-441/12) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European market for prestressing steel — Price fixing, market sharing and the exchange of commercially sensitive information — Decision finding an infringement of Article 101 TFEU — Economic unit — Direct participation in the infringement — Secondary liability of parent companies — Succession of undertakings — Complex infringement — Single and continuous infringement — 2006 Guidelines on the method of setting fines — Principle of non-retroactivity and principle that penalties must be lawful — Mitigating circumstances — Ability to pay — Rights of the defence — Obligation to state reasons — Request for reconsideration — No change in the factual circumstances — Letter of rejection — Inadmissibility)

(2016/C 260/47)

Language of the case: Spanish

Parties

Applicants: Moreda-Riviere Trefilerías, SA (Gijón, Spain) (Cases T-426/10 and T-440/12); Trefilerías Quijano, SA (Los Corrales de Buelna, Spain) (Cases T-427/10 and T-439/12); Trenzas y Cables de Acero PSC, SL (Santander, Spain) (Cases T-428/10 and T-441/12) (represented by: in Cases T-426/10 to T-429/10, F. González Díaz and A. Tresandi Blanco, and, in Cases T-438/12 to T-441/12, initially by F. González Díaz and P. Herrero Prieto, and subsequently by F. González Díaz and A. Tresandi Blanco, lawyers)

Defendant: European Commission (represented by: in Cases T-426/10, T-427/10, T-429/10 and T-438/12 to T-441/12, V. Bottka, F. Castillo de la Torre and C. Urraca Caviedes, acting as Agents, and by L. Ortiz Blanco and A. Lamadrid de Pablo, lawyers, and, in Case T-428/10, by V. Bottka and F. Castillo de la Torre, and by L. Ortiz Blanco and A. Lamadrid de Pablo)

Re:

Application for annulment and variation 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), as amended by Commission Decision C(2010) 6676 final of 30 September 2010 and Commission Decision C(2011) 2269 final of 4 April 2011, and also by the letter of 25 July 2012 from the Director-General of the Directorate-General for Competition of the Commission.

Operative part of the judgment

The Court:

1. Dismisses the actions;
2. Orders Moreda-Riviere Trefilerías, SA, Trefilerías Quijano, SA, Trenzas y Cables de Acero PSC, SL and Global Steel Wire, SA to pay the costs.

⁽¹⁾ OJ C 317, 20.11.2010.