

GENERAL COURT

Judgment of the General Court of 8 September 2016 — Sun Pharmaceuticals Industries and Ranbaxy (UK) v Commission

(Case T-460/13) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market for antidepressant medicinal products containing the active pharmaceutical ingredient citalopram — Concept of restriction of competition by object — Potential competition — Generic medicinal products — Barriers to market entry resulting from the existence of patents — Agreement concluded between a patent holder and a generic undertaking — Fines — Legal certainty — Principle that penalties must have a proper legal basis — 2006 Guidelines on the method of setting fines — Duration of the Commission’s investigation)

(2016/C 383/13)

Language of the case: English

Parties

Applicants: Sun Pharmaceuticals Industries Ltd, formerly Ranbaxy Laboratories Ltd (Vadodara, India) and Ranbaxy (UK) Ltd (London, United Kingdom) (represented by: R. Vidal, A. Penny, Solicitors, and B. Kennelly, Barrister)

Defendant: European Commission (represented by: C. Vollrath, F. Castilla Contreras and B. Mongin, acting as Agents, and by D. Bailey, Barrister)

Re:

Application for annulment in part of Commission Decision C(2013) 3803 final of 19 June 2013 relating to a proceeding under Article 101 [TFEU] and Article 53 of the EEA Agreement (Case AT.39226 — Lundbeck) and for reduction of the amount of the fine imposed on the applicants by that decision.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Sun Pharmaceuticals Industries Ltd and Ranbaxy (UK) Ltd to pay the costs.

⁽¹⁾ OJ C 325, 9.11.2013.

Judgment of the General Court of 8 September 2016 — Arrow Group and Arrow Generics v Commission

(Case T-467/13) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market for antidepressant medicinal products containing the active pharmaceutical ingredient citalopram — Concept of restriction of competition ‘by object’ — Potential competition — Generic medicinal products — Barriers to market entry resulting from the existence of patents — Agreements concluded between a patent holder and a generic undertaking — Fines — Legal certainty — Principle that penalties must have a proper legal basis — Duration of the Commission’s investigation — Rights of the defence — Single and continuous infringement)

(2016/C 383/14)

Language of the case: English

Parties

Applicants: Arrow Group ApS (Roskilde, Denmark) and Arrow Generics Ltd (London, United Kingdom) (represented by: S. D. Kon, C. Firth and C. Humpe, Solicitors)