

**Judgment of the General Court of 12 July 2011 — Fuji Electric v Commission**

(Case T-132/07) <sup>(1)</sup>

*(Competition — Agreements, decisions and concerted practices — Market in gas insulated switchgear projects — Decision finding an infringement of Article 81 EC and Article 53 of the EEA Agreement — Market-sharing — Proof of the infringement — Whether liable for the infringement — Duration of the infringement — Fines — Mitigating circumstances — Cooperation)*

(2011/C 252/72)

Language of the case: English

**Parties**

*Applicant:* Fuji Electric (previously Fuji Electric Holdings Co. Ltd and successor in title to Fuji Electric Systems Co. Ltd) (Kawasaki, Japan) (represented by P. Chappatte and P. Walter, Solicitors)

*Defendant:* European Commission (represented by: initially F. Arbault, and subsequently X. Lewis, J. Bourke and F. Ronkes Agerbeek, and then N. Khan and F. Ronkes Agerbeek, Agents, and J. Holmes, Barrister)

**Re:**

Application for the partial annulment of Commission Decision C(2006) 6762 final of 24 January 2007 relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/F/38.899 — Gas insulated switchgear) and reduction of the fine imposed on Fuji Electric Holdings and Fuji Electric Systems

**Operative part of the judgment**

The Court:

1. Annuls Article 1(h) and Article 2(d) of Commission Decision C(2006) 6762 final of 24 January 2007 relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/F/38.899 — Gas insulated switchgear) to the extent that they find or rely on the finding that Fuji Electric Systems Co. Ltd, the successor in title to which is Fuji Electric Co. Ltd, can be held personally liable for the infringement from September 2000 until 30 June 2001;
2. Sets the amount of the fine imposed on Fuji Electric, formerly named Fuji Electric Holdings Co. Ltd and the successor in title to Fuji Electric Systems, in Article 2(d) of Decision C(2006) 6762 final at EUR 2 200 000;
3. Orders the European Commission to pay one quarter of the costs incurred by Fuji Electric and to bear one quarter of its own costs;
4. Orders Fuji Electric to bear three quarters of its own costs and three quarters of the costs incurred by the Commission.

<sup>(1)</sup> OJ C 140, 23.6.2007.

**Judgment of the General Court of 12 July 2011 — Mitsubishi Electric v Commission**

(Case T-133/07) <sup>(1)</sup>

*(Competition — Agreements, decisions and concerted practices — Market in gas insulated switchgear projects — Decision finding an infringement of Article 81 EC and Article 53 of the EEA Agreement — Market-sharing — Rights of the defence — Proof of the infringement — Duration of the infringement — Fines — Starting amount — Reference year — Equal treatment)*

(2011/C 252/73)

Language of the case: English

**Parties**

*Applicant:* Mitsubishi Electric Corp. (Tokyo, Japan) (represented by: R. Denton, Solicitor, and K. Haegeman, lawyer)

*Defendant:* European Commission (represented by: F. Arbault and J. Samnadda, then X. Lewis, and subsequently P. Van Nuffel and J. Bourke, and finally P. Van Nuffel and N. Khan, Agents)

**Re:**

APPLICATION, primarily, for the annulment of Commission Decision C(2006) 6762 final of 24 January 2007 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/F/38.899 — Gas insulated switchgear) to the extent to which it concerns the applicant and TM T & D, in the alternative, for the annulment of Article 2(g) of that decision and Article 2(h) thereof, to the extent to which it concerns the applicant and, in the further alternative, amendment of Article 2 of that decision so as to cancel or, failing which, reduce the fine imposed on the applicant.

**Operative part of the judgment**

The Court:

1. Annuls Article 2(g) and (h) of Commission Decision C(2006) 6762 final of 24 January 2007 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/F/38.899 — Gas insulated switchgear) in so far as it concerns Mitsubishi Electric Corp;
2. Dismisses the action as to the remainder;
3. Orders Mitsubishi Electric to bear three quarters of the costs incurred by the parties before the Court;
4. Orders the European Commission to bear a quarter of the costs incurred by the parties before the Court.

<sup>(1)</sup> OJ C 140, 23.6.2007.