

Judgment of the General Court of 13 July 2011 — ThyssenKrupp Liften Ascenseurs and Others v Commission

(Cases T-144/07, T-147/07, T-148/07, T-149/07, T-150/07 and T-154/07) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market for the installation and maintenance of elevators and escalators — Decision finding an infringement of Article 81 EC — Bid-rigging — Market sharing — Price fixing)

(2011/C 269/98)

Language of the case: Dutch and German

Parties

Applicants: ThyssenKrupp Liften Ascenseurs NV (Brussels, Belgium) (represented, initially, by V. Turner and D. Mes and, subsequently, by O.W. Brouwer and J. Blockx, lawyers) (Case T-144/07); ThyssenKrupp Aufzüge GmbH (Neuhausen auf den Fildern, Germany) (represented, initially, by U. Itzen and K. Blau-Hansen, subsequently, by U. Itzen, K. Blau-Hansen and S. Thomas, and, finally, by K. Blau-Hansen and S. Thomas, lawyers) (Case T-147/07); ThyssenKrupp Fahrtreppen GmbH (Hamburg, Germany) (represented, initially, by U. Itzen and K. Blau-Hansen, subsequently, by U. Itzen, K. Blau-Hansen and S. Thomas, and, finally, by K. Blau-Hansen and S. Thomas, lawyers) (Case T-147/07); ThyssenKrupp Ascenseurs Luxembourg Sàrl (Howald, Luxembourg) (represented by: K. Beckmann, S. Dethof and U. Itzen, lawyers) (Case T-148/07); ThyssenKrupp Elevator AG (Düsseldorf, Germany) (represented by: T. Klose and J. Ziebarth, lawyers) (Case T-149/07); ThyssenKrupp AG (Duisberg, Germany) (represented, initially, by M. Klusmann and S. Thomas, lawyers, and, subsequently, by M. Klusmann) (Case T-150/07); ThyssenKrupp Liften BV (Krimpen aan den IJssel, Netherlands) (represented by: O.W. Brouwer and A. Stoffer, lawyers) (Case T-154/07)

Defendant: European Commission (represented, in Cases T-144/07 and T-154/07, by A. Bouquet and R. Sauer, Agents, and by F. Wijckmans and F. Tuytschaever, lawyers; in Cases T-147/07 and T-148/07, initially, by R. Sauer and O. Weber and, subsequently, by R. Sauer and K. Mojzesowicz, Agents; and, in Cases T-149/07 and T-150/07, by R. Sauer and K. Mojzesowicz, Agents)

Re:

Application for annulment of Commission Decision C(2007) 512 final of 21 February 2007 relating to a proceeding under Article 81 [EC] (Case COMP/E-1/38.823 — Elevators and Escalators) or, in the alternative, reduction of the amount of the fines imposed on the applicants.

Operative part of the judgment

The Court:

1. Joins Cases T-144/07, T-147/07, T-148/07, T-149/07, T-150/07 and T-154/07 for the purposes of this judgment;

2. Annuls Article 2, paragraph 1, fourth indent, paragraph 2, fourth indent, paragraph 3, fourth indent, and paragraph 4, fourth indent, of Commission Decision C(2007) 512 final of 21 February 2007 relating to a proceeding under Article 81 [EC] (Case COMP/E-1/38.823 — Elevators and Escalators);

3. In Cases T-144/07, T-149/07 and T-150/07, sets the amount of the fine imposed on ThyssenKrupp Liften Ascenseurs NV, ThyssenKrupp Elevator AG and ThyssenKrupp AG in Article 2(1), fourth indent, of Decision C(2007) 512 for the infringement in Belgium at EUR 45 738 000;

4. In Cases T-147/07, T-149/07 and T-150/07, sets the amount of the fine imposed on ThyssenKrupp Aufzüge GmbH, ThyssenKrupp Fahrtreppen GmbH, ThyssenKrupp Elevator and ThyssenKrupp in Article 2(2), fourth indent, of Decision C(2007) 512 for the infringement in Germany at EUR 249 480 000;

5. In Cases T-148/07, T-149/07 and T-150/07, sets the amount of the fine imposed on ThyssenKrupp Ascenseurs Luxembourg Sàrl, ThyssenKrupp Elevator and ThyssenKrupp in Article 2(3), fourth indent, of Decision C(2007) 512 for the infringement in Luxembourg at EUR 8 910 000;

6. In Cases T-150/07 and T-154/07, sets the amount of the fine imposed on ThyssenKrupp Liften BV and ThyssenKrupp in Article 2(4), fourth indent, of Decision C(2007) 512 for the infringement in the Netherlands at EUR 15 651 900;

7. Dismisses the actions as to the remainder;

8. In each case, orders the applicants to bear three-quarters of their own costs and to pay three-quarters of the costs incurred by the European Commission. The Commission is ordered to bear one-quarter of its own costs and to pay one-quarter of the applicants' costs.

⁽¹⁾ OJ C 155, 7.7.2007.

Judgment of the General Court of 13 July 2011 — Kone and Others v Commission

(Case T-151/07) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market for the installation and maintenance of elevators and escalators — Decision finding an infringement of Article 81 EC — Bid-rigging — Market sharing — Price fixing)

(2011/C 269/99)

Language of the case: English

Parties

Applicants: Kone Oyj (Helsinki, Finland); Kone GmbH (Hanover, Germany); and Kone BV (Voorburg, Netherlands) (represented by: T. Vinje, Solicitor, D. Paemen, J. Schindler, B. Nijs, A. Tomtsis, lawyers, J. Flynn QC and D. Scannell, Barrister)

Defendant: European Commission (represented by: É. Gippini Fournier and R. Sauer, acting as Agents)