

Action brought on 4 June 2008 — Stichting Administratiekantoor Portielje v Commission**(Case T-209/08)**

(2008/C 197/52)

*Language of the case: Dutch***Parties***Applicant:* Stichting Administratiekantoor Portielje (Rotterdam, Netherlands) (represented by: D. Van hove, lawyer)*Defendant:* Commission of the European Communities**Form of order sought**

- Annul Commission Decision C(2008) 926 final of 11 March 2008 relating to a proceeding under Article 81 EC (Case COMP/38.543 — International removal services), notified to the applicant on 25 March 2008, in so far as it is addressed to the applicant;
- in the alternative, annul Article 2(e) of the Decision, in so far as it is addressed to the applicant, in accordance with the fourth and/or fifth plea in law, and reduce the fine imposed under Article 2 accordingly, in so far as it concerns the applicant;
- order the Commission to pay the costs of the proceedings.

Pleas in law and main arguments

By its first plea in law, the applicant submits that the Decision infringes Article 81 EC and Article 23(2) of Regulation No 1/2003 ⁽¹⁾, as the Commission failed properly to establish that the applicant is an undertaking within the meaning of those provisions.

By its second plea in law, the applicant submits that the decision infringes Article 81(1) EC and Article 23(2) of Regulation No 1/2003, as the Commission wrongly, in light of the facts, attributed Gosselin's conduct to the applicant.

By its third plea in law, the applicant submits that the decision infringes Article 81 EC. In the first branch of this plea, the applicant charges the Commission with having failed properly to establish that the conduct of which Gosselin could be accused is to be regarded as a significant restriction of competition for the purposes of Article 81 EC. In the second branch, the applicant charges the Commission with having failed properly to establish that the agreement to which Gosselin was a party could have an appreciable effect on trade between the Member States.

By its fourth plea in law, the applicant submits that the decision infringes Article 23 of Regulation No 1/2003, Article 15(2) of Regulation No 17/62 ⁽²⁾ and the Guidelines on the method of setting fines ⁽³⁾. Those provisions were contravened by the

finding as to the gravity of the infringement, the finding as to the value of sales with regard to the calculation of the basic amount of the fine imposed on Gosselin and, finally, by the refusal to take account of mitigating circumstances with respect to Gosselin in the calculation of the fine.

Finally, by its fifth plea in law, the applicant submits that there was a breach of the principle of equal treatment, in particular, in the determination of the gravity of the infringement and the value of sales, factors which were taken into account in the calculation of the fine.

⁽¹⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (Text with EEA relevance) (OJ 2003 L 1, p. 1).

⁽²⁾ Council Regulation No 17 of 6 February 1962; First Regulation implementing Articles [81 EC] and [82 EC] (OJ, English Special Edition 1959-62, p. 87).

⁽³⁾ Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003 (Text with EEA relevance) (OJ 2006 C 210, p. 2).

Action brought on 4 June 2008 — Verhuizingen Coppens v Commission**(Case T-210/08)**

(2008/C 197/53)

*Language of the case: Dutch***Parties***Applicant:* Verhuizingen Coppens NV (Bierbeek, Belgium) (represented by: J. Stuyck and I. Buelens, lawyers)*Defendant:* Commission of the European Communities**Form of order sought**

- Annul Article 1 of the Commission Decision of 11 March 2008 in Case COMP/38.543 so far as concerns the applicant;
- annul Article 2 of the Commission Decision of 11 March 2008 in Case COMP/38.543 so far as concerns the applicant;
- in the alternative, reduce the fine and set it at an amount not exceeding 10 % of the applicant's turnover on the relevant market for international removal services;
- in any event, order the Commission to pay the applicant's costs.