

GENERAL COURT

Judgment of the General Court of 13 July 2018 — Stührk Delikatessen Import v Commission

(Case T-58/14) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Belgian, German, French and Dutch markets in North Sea shrimp — Decision finding an infringement of Article 101 TFEU — Price fixing and the exchange of commercially sensitive information — Single and continuous infringement — Fines — Principle that offences and penalties must be defined by law — 2006 guidelines on the setting of fines — Mitigating factors — Substantially limited involvement — Cooperation during the administrative procedure — Maximum of 10 % of total turnover — Article 23(2) of Regulation (EC) No 1/2003 — Paragraph 37 of the 2006 guidelines on the setting of fines — Equal treatment — Obligation to state reasons)

(2018/C 328/40)

Language of the case: German

Parties

Applicant: Stührk Delikatessen Import GmbH & Co. KG (Marne, Germany) (represented by: J. Sparr, lawyer)

Defendant: European Commission (represented by: H. Leupold, F. Ronkes Agerbeek and P. Van Nuffel, acting as Agents)

Re:

Application pursuant to Article 263 TFEU seeking the annulment of Commission Decision C(2013) 8286 final of 27 November 2013 relating to a proceeding under Article 101 TFEU (Case AT.39633 — Shrimps), in so far as it concerns the applicant, and, secondly, a reduction of the fines imposed on the applicant.

Operative part of the judgment

The Court:

1. Annuls the first paragraph of Article 2(c) of Commission Decision C(2013) 8286 final of 27 November 2013 relating to a proceeding under Article 101 TFEU (Case AT.39633 — Shrimps);
2. Dismisses the action as to the remainder;
3. Orders the European Commission to bear its own costs as well as half of those incurred by Stührk Delikatessen Import GmbH & Co. KG;
4. Orders Stührk Delikatessen Import GmbH & Co. KG to bear half of its own costs.

⁽¹⁾ OJ C 129, 28.4.2014.

Judgment of the General Court of 12 July 2018 — The Goldman Sachs Group v Commission

(Case T-419/14) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European market for power cables — Decision finding an infringement of Article 101 TFEU — Single and continuous infringement — Imputability of the infringement — Presumption — Error of assessment — Presumption of innocence — Legal certainty — Principle of personal responsibility — Unlimited jurisdiction)

(2018/C 328/41)

Language of the case: English

Parties

Applicant: The Goldman Sachs Group, Inc. (New York, New York, United States) (represented by: W. Deselaers, J. Koponen and A. Mangiaracina, lawyers)

Defendant: European Commission (represented by: C. Giolito, L. Malferrari, H. van Vliet and J. Norris-Usher, acting as Agents)

Interveners in support of the defendant: Prysmian SpA (Milan, Italy) and Prysmian Cavi e Sistemi Srl (Milan) (represented by: C. Tesauro, F. Russo and L. Armati, lawyers)

Re:

Application under Article 263 TFEU for the annulment of Commission Decision C(2014) 2139 final of 2 April 2014 relating to a proceeding under Article 101 [TFEU] and Article 53 of the [EEA] Agreement (Case AT.39610 — Power cables) in so far as it concerns the applicant and, in the alternative, a reduction of the fine imposed on the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders The Goldman Sachs Group, Inc. to bear its own costs and to pay those of the European Commission;
3. Orders Prysmian SpA and Prysmian Cavi e Sistemi Srl to bear their own costs.

⁽¹⁾ OJ C 282, 25.8.2014.

Judgment of the General Court of 12 July 2018 — Viscas v Commission

(Case T-422/14) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European market for power cables — Decision finding an infringement of Article 101 TFEU — Single and continuous infringement — Proof of the infringement — Duration of participation — Public distancing — Calculation of the fine — Gravity of the infringement — Unlimited jurisdiction)

(2018/C 328/42)

Language of the case: English

Parties

Applicant: Viscas Corp. (Tokyo, Japan) (represented by J.-F. Bellis, lawyer)

Defendant: European Commission (represented by C. Giolito, L. Parpala, H. van Vliet and A. Biolan, acting as Agents, and by B. Doherty, Barrister)

Intervener in support of the applicant: Furukawa Electric Co. Ltd (Tokyo) (represented by C. Pouncey, A. Luke and L. Geary, Solicitors)

Re:

Action pursuant to Article 263 TFEU for partial annulment of Commission Decision C(2014) 2139 final of 2 April 2014 relating to a proceeding under Article 101 [TFEU] and Article 53 of the EEA Agreement (Case AT.39610 — Power cables) in so far as it concerns the applicant and, in the alternative, an application for a reduction in the amount of the fine imposed on the applicant in that decision.

Operative part of the judgment

The Court:

1. Dismisses the action;