

Judgment of the General Court of 12 July 2018 — *Pirelli & C. v Commission*(Case T-455/14) ⁽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 — Obligation to state reasons — Fundamental rights — Proportionality — Equal treatment — Beneficium ordinis seu excussionis — Unlimited jurisdiction)

(2018/C 328/54)

Language of the case: Italian

Parties

Applicant: Pirelli & C. SpA (Milan, Italy) (represented initially by: M. Siragusa, F. Moretti, G. Rizza and P. Ferrari, and subsequently by M. Siragusa, F. Moretti, G. Rizza and A. Bardanzellu, lawyers)

Defendant: European Commission (represented initially by: C. Giolito, L. Malferrari and P. Rossi, and subsequently by H. van Vliet, L. Malferrari and P. Rossi, acting as Agents, and by P. Manzini, lawyer)

Intervener in support of the defendant: 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 Pirelli & C. SpA to bear its own costs and to pay those of the European Commission;
3. Orders Prysmian Cavi e Sistemi Srl to bear its own costs.

⁽¹⁾ OJ C 261, 11.8.2014.

Judgment of the General Court of 12 July 2018 — *Prysmian and Prysmian Cavi e Sistemi v Commission*(Case T-475/14) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European market for power cables — Decision finding an infringement of Article 101 TFEU — Single and continuous infringement — Illegal nature of the inspection decision — Reasonable time — Principle of sound administration — Principle of personal responsibility — Joint and several liability for payment of the fine — Sufficient proof of the infringement — Duration of the infringement — Fines — Proportionality — Equal treatment — Unlimited jurisdiction)

(2018/C 328/55)

Language of the case: English

Parties

Applicants: Prysmian SpA (Milan, Italy) and Prysmian Cavi e Sistemi Srl (Milan) (represented by: C. Tesauro, F. Russo, L. Armati and C. Toniolo, lawyers)

Defendant: European Commission (represented initially by: C. Giolito, L. Malferrari, P. Rossi and H. van Vliet, and subsequently by C. Giolito, P. Rossi and H. van Vliet, acting as Agents, and by S. Kingston, Barrister)

Intervener in support of the applicants: The Goldman Sachs Group, Inc. (New York, New York, United States) (represented by: W. Deselaers, J. Koponen and A. Mangiaracina, lawyers)

Intervener in support of the defendant: Pirelli & C. SpA (Milan) (represented by: M. Siragusa, G. Rizza, P. Ferrari, F. Moretti and A. Fava, 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 applicants and, in the alternative, a reduction of the fine imposed on the applicants.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 315, 15.9.2014.

Judgment of the General Court of 13 July 2018 — Pereira v Commission

(Case T-606/16) ⁽¹⁾

(Civil service — Officials — Non-promotion — 2015 promotion procedure — Decision not to promote the applicant to grade AST 7 — Obligation to state reasons — Comparative merits — Seniority in the grade — Accumulated merits — Manifest errors of assessment)

(2018/C 328/56)

Language of the case: French

Parties

Applicant: Felismino Pereira (Wavre, Belgium) (represented by: N. de Montigny and J.-N. Louis, then N. de Montigny, lawyers)

Defendant: European Commission (represented by: C. Berardis-Kayser and G. Berscheid initially, then G. Berscheid and L. Radu Bouyon, Agents, and D. Waelbroeck and A. Duron, lawyers)

Re:

Application brought pursuant to Article 270 TFEU and seeking annulment of the Commission's decision not to promote the applicant during the 2015 promotion procedure and, so far as necessary, of the decision rejecting his complaint.