

**Re:**

Application under Article 263 TFEU for annulment of Commission Decision C(2014) 4955 final of 9 July 2014 relating to a proceeding under Article 101 and Article 102 TFEU [Case AT.39612 — Perindopril (Servier)] in so far as it concerns the applicants and, in the alternative, for annulment or reduction of the fine imposed on the applicants by that decision.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Mylan Laboratories Ltd and Mylan, Inc. to pay the costs.

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(<sup>1</sup>) OJ C 431, 1.12.2014.

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**Judgment of the General Court of 12 December 2018 — Krka v Commission**

(Case T-684/14) (<sup>1</sup>)

***(Competition — Agreements, decisions and concerted practices — Market for perindopril, a medicinal product intended for the treatment of cardiovascular diseases, in its originator and generic versions — Decision finding an infringement of Article 101 TFEU — Patent dispute settlement agreement — Licensing agreement — Technology acquisition agreement — Restriction of competition by object — Restriction of competition by effect — Balance between competition law and patent law)***

(2019/C 82/30)

*Language of the case: English*

**Parties**

*Applicant:* Krka Tovarna Zdravil d.d. (Novo Mesto, Slovenia) (represented by T. Ilešič and M. Kocmut, lawyers)

*Defendant:* European Commission (represented by F. Castilla Contreras, B. Mongin and C. Vollrath, acting as Agents, assisted by D. Bailey, Barrister)

**Re:**

Application under Article 263 TFEU for partial annulment of Commission Decision C(2014) 4955 final of 9 July 2014 relating to a proceeding under Article 101 and Article 102 TFEU [Case AT.39612 — Perindopril (Servier)] in so far as it concerns the applicant.

**Operative part of the judgment**

*The Court:*

1. Annuls Article 4 of Commission Decision C(2014) 4955 final of 9 July 2014 relating to a proceeding under Article 101 and Article 102 TFEU (Case AT.39612 — Perindopril (Servier)) in so far as it finds that Krka Tovarna Zdravil d.d. participated in the agreements referred to in that article;
2. Annuls Article 7(4)(a) of Decision C(2014) 4955 final;

3. Annuls Articles 8 and 9 of Decision C(2014) 4955 final, in so far as they concern Krka Tovarna Zdravil;
4. Orders the Commission to pay the costs.

<sup>(1)</sup> OJ C 431, 1.12.2014.

### Judgment of the General Court of 12 December 2018 — Servier and Others v Commission

(Case T-691/14) <sup>(1)</sup>

*(Competition — Agreements, decisions and concerted practices — Abuse of a dominant position — Market for perindopril, a medicinal product intended for the treatment of cardiovascular diseases, in its originator and generic versions — Decision finding an infringement of Articles 101 and 102 TFEU — Principle of impartiality — Consultation of the Advisory Committee on Restrictive Practices and Dominant Positions — Right to an effective remedy — Shortness of the period for lodging an action in view of the length of the contested decision — Patent dispute settlement agreements — Licence agreements — Technology acquisition agreements — Exclusive purchasing agreement — Potential competition — Restriction of competition by object — Restriction of competition by effect — Balance between competition law and patent law — Classification as separate infringements or as a single infringement — Definition of the relevant market at the level of the molecule of the medicinal product concerned — Fines — Cumulation of fines imposed under Articles 101 and 102 TFEU — Principle that offences and penalties must have a proper legal basis — Value of sales — Methods of calculation in the event of overlapping infringements on the same markets)*

(2019/C 82/31)

Language of the case: French

#### Parties

*Applicants:* Servier SAS (Suresnes, France), Servier Laboratories Ltd (Wexham, United Kingdom), Les Laboratoires Servier SAS (Suresnes) (represented initially by I. S. Forrester QC, J. Killick, Barrister, O. de Juvigny, lawyer, and M. Utges Manley, Solicitor, then by J. Killick, O. de Juvigny, M. Utges Manley, J. Jourdan and T. Reymond, lawyers)

*Defendant:* European Commission (represented initially by T. Christoforou, B. Mongin, C. Vollrath, F. Castilla Contreras and T. Vecchi, then by T. Christoforou, B. Mongin, C. Vollrath, F. Castilla Contreras and J. Norris-Usher, acting as Agents)

*Intervener in support of the applicants:* European Federation of Pharmaceutical Industries and Associations (EFPIA) (Geneva, Switzerland) (represented by F. Carlin, Barrister, N. Niejahr and C. Paillard, lawyers)

#### Re:

Application under Article 263 TFEU for annulment of Commission Decision C(2014) 4955 final of 9 July 2014 relating to a proceeding under Article 101 and Article 102 TFEU [Case AT.39612 — Perindopril (Servier)] in so far as it concerns the applicants and, in the alternative, for reduction of the fine imposed on the applicants by that decision.

#### Operative part of the judgment

*The Court:*

1. Annuls Article 4 of Commission Decision C(2014) 4955 final of 9 July 2014 relating to a proceeding under Article 101 and Article 102 TFEU (Case AT.39612 — Perindopril (Servier)) in so far as it finds that Servier SAS and Laboratoires Servier SAS participated in the agreements referred to in that article;
2. Annuls Article 6 of Decision C(2014) 4955 final;