

Form of order sought

The applicants claim that the Court should:

- Set aside Article 1 of the 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 COMP/AT.39610 — Power Cables (the 'Decision') as it pertains to Silec Cable and General Cable;
- In the alternative, amend Article 2 of the Decision and reduce the amount of the fine imposed on Silec Cable and General Cable in light of the arguments put forward in support of the application;
- Order the European Commission to pay all of the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicants rely on five pleas in law.

1. First plea in law, alleging that the Commission committed an error of law and did not satisfy its burden of proof under Article 2 of Council Regulation No 1/2003.
2. Second plea in law, alleging that the Commission committed an error of law and infringed the principles of burden of proof and presumption of innocence in asserting that Silec Cable was under a positive obligation to publicly distance itself from the alleged cartel.
3. Third plea in law, alleging that the Commission committed a manifest error of assessment and infringed the principle of equal treatment in concluding that Silec Cable directly participated in the alleged cartel as of 30 November 2005.
4. Fourth plea in law, alleging that the Commission committed a manifest error of assessment and infringed the principle of equal treatment in treating Silec Cable differently and inconsistently with the way it treated other recipients of the Decision.
5. Fifth plea in law, alleging that, at a minimum, the Commission committed a manifest error of assessment and infringed the principle of equal treatment and proportionality in not characterizing Silec Cable as a fringe player.

Action brought on 16 June 2014 — LS Cable & System v Commission

(Case T-439/14)

(2014/C 282/59)

Language of the case: English

Parties

Applicant: LS Cable & System Ltd (Anyang, Republic of Korea) (represented by: S. Kinsella and S. Spinks, Solicitor)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Annul Articles 1(11) and 2(t) of the Commission Decision C(2014) 2139 of 2 April 2014 relating to a proceeding under Article 101 TFEU and Article 53 EEA in case AT.39610 — Power Cables (the 'Decision') insofar as it is addressed to the applicant;
- In the alternative, substantially reduce the amount of the fine imposed on the applicant in Article 2(t) of the Decision;
- Order the European Commission to pay the applicant's costs for these proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging that, the Decision fails to adduce evidence capable of demonstrating to the requisite legal standard that the applicant participated in the single continuous infringement, as the Decision relies on incorrect reasoning and adduces insufficient evidence of the applicant's participation in the infringement in violation of Article 101(1) TFEU, Article 2 of Regulation 1/2003 and the principle of the presumption of innocence.
2. Second plea in law, alleging that the Decision's application of point 18 of the Fining Guidelines violates the Fining Guidelines and infringes the principles of proportionality, equal treatment and the protection of legitimate expectations because:
 - it fails to comply with the Commission's Fining Guidelines without objective justification, by treating UG and SM power cables separately for the purpose of allocating sales in the EEA to the applicant and by failing to adequately reflect the relative weight of the applicant in the infringement;
 - it produces a discriminatory advantage on producers (including the applicant) that only produced UG power cables; and
 - it leads to a disproportionately large allocation of sales in the EEA to the applicant.
3. Third plea in law, alleging that the Decision breaches Article 23 of Regulation (EC) 1/2003, point 20 of the Fining Guidelines and the principle of proportionality by failing properly to have regard to the gravity of the infringement in fixing the applicant's amount of the fine by failing to take account of:
 - the fact that the applicant only produced UG power cables;
 - the applicant's lack of knowledge about the SM part and certain key elements of the UG part of the infringement; and
 - the applicant's competitive conduct in the EEA and in the export territories and its disruption of the UG part of the cartel.
4. Fourth plea in law, alleging that the Decision breaches the principles of proportionality and equal treatment in failing to grant the applicant a mitigating circumstance reduction higher than 11 %.

Action brought on 16 June 2014 — Taihan Electric Wire v Commission

(Case T-446/14)

(2014/C 282/60)

Language of the case: English

Parties

Applicant: Taihan Electric Wire Co. Ltd (Anyang-Si, Republic of Korea) (represented by: R. Antonini and E. Monard, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Annul Commission Decision C(2014) 2139 of 2 April 2014 relating to a proceeding under Article 101 TFEU and Article 53 EEA in case AT.39610 — Power Cables (the 'Decision') insofar as it is addressed to the applicant;