

Judgment of the General Court of 29 September 2021 — Rubycon and Rubycon Holdings v Commission

(Case T-344/18) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market for aluminium electrolytic capacitors and tantalum electrolytic capacitors — Decision finding an infringement of Article 101 TFEU and Article 53 of the EEA Agreement — Price coordination throughout the EEA — Fines — Partial immunity from fines — Point 26 of the 2006 Leniency Notice — Reduction in the amount of the fine — Point 37 of the 2006 Guidelines on the method of setting fines — Ceiling of 10 % of turnover — Unlimited jurisdiction)

(2021/C 471/49)

Language of the case: English

Parties

Applicants: Rubycon Corp. (Ina, Japan), Rubycon Holdings Co. Ltd (Ina) (represented by: J. Rivas Andrés and A. Federle, lawyers)

Defendant: European Commission (represented by: B. Ernst, L. Wildpanner and F. van Schaik, acting as Agents)

Re:

Application under Article 263 TFEU for, first, annulment of Commission Decision C(2018) 1768 final of 21 March 2018 relating to a proceeding under Article 101 [TFEU] and Article 53 of the EEA Agreement (Case AT.40136 — Capacitors), in so far as it concerns the applicants, and, second, a reduction in the amount of the fines imposed on them.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Rubycon Corp. and Rubycon Holdings Co. Ltd to bear their own costs and to pay the costs incurred by the European Commission.

⁽¹⁾ OJ C 294, 20.8.2018.

Judgment of the General Court of 29 September 2021 — Nippon Chemi-Con Corporation v Commission

(Case T-363/18) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market for aluminium electrolytic capacitors and tantalum electrolytic capacitors — Decision finding an infringement of Article 101 TFEU and Article 53 of the EEA Agreement — Price coordination throughout the EEA — Concerted practice — Exchanges of sensitive business information — Territorial jurisdiction of the Commission — Rights of the defence and right to be heard — Inalterability of the measure — Single and continuous infringement — Restriction of competition by object — 2006 Guidelines on the method of setting fines — Value of sales — Obligation to state reasons — Proportionality — Equal treatment — Gravity of the infringement — Mitigating circumstances — Point 37 of the 2006 Guidelines on the method of setting fines — Unlimited jurisdiction)

(2021/C 471/50)

Language of the case: English

Parties

Applicant: Nippon Chemi-Con Corporation (Tokyo, Japan) (represented by: H.-J. Niemeyer, M. Röhrig, I.-L. Stoicescu and P. Neideck, lawyers)