



## Reports of Cases

### Judgment of the Court (Third Chamber) of 11 July 2013 — Gosselin Group v Commission

(Case C-429/11 P)

(Appeal — Competition — Agreements, decisions and concerted practices — Article 81 EC and Article 53 of the EEA Agreement — International removal services market in Belgium — Direct or indirect fixing of prices, market-sharing and the manipulation of the procedure for the submission of tenders — Classification — Infringement of competition by object — Obligation to state reasons — Guidelines on the effect on trade between Member States — Legal force — Obligation to define the relevant market — Scope — Guidelines on the method of setting fines (2006) — Proportion of the value of sales — Gravity of the infringement — Mitigating circumstances — Obligation to state reasons — Regulation (EC) No 1/2003 — Article 25 — Limitation period — Repeated infringement)

1. *Appeals — Grounds — Mistaken assessment of the facts — Inadmissibility — Review by the Court of Justice of the assessment of the facts put before the General Court — Possible only where the clear sense of the evidence has been distorted (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.) (see paras 41, 106)*
2. *Agreements, decisions and concerted practices — Adverse effect on competition — Criteria for assessment — Anti-competitive object — Sufficient — Distinction between infringements by object and infringements by effect (Art. 81(1) EC) (see paras 43, 55)*
3. *Agreements, decisions and concerted practices — Adverse effect on competition — Criteria for assessment — Assessment by reference to the economic and legal context (Art. 81(1) EC) (see para. 44)*
4. *Appeals — Grounds — Inadequate statement of reasons — Reliance by the General Court on implied reasoning — Lawfulness — Conditions (Art. 256 TFEU; Statute of the Court of Justice, Arts 36 and 53, first para.) (see paras 52-54)*
5. *Acts of the institutions — Guidelines on the effect on trade concept — Measure designed to produce external effects — Scope (Commission Communication 2004/C 101/07) (see paras 63-66)*
6. *Agreements, decisions and concerted practices — Definition of the market — Subject-matter — Determination of the effect on trade between Member States — Obligation to define the market in question — Scope (Art. 81 EC; Commission communication 2004/C 101/07, para. 55) (see paras 67, 68)*

7. *Agreements, decisions and concerted practices — Definition of the market — Subject-matter/purpose — Determination of the effect on trade between Member States — Appreciable effect (Art. 81 EC; Commission communication 2004/C 101/07) (see paras 75-77)*
8. *Appeals — Jurisdiction of the Court — Challenge on grounds of fairness to the General Court's assessment concerning the amount of a fine imposed on an undertaking — Not included — Review limited to ascertaining whether the General Court took into account all the factors essential to the assessment of the gravity of the infringement and all the arguments raised against the fine imposed (Art. 81 EC; Statute of the Court of Justice, Art. 58, first para.; Council Regulation No 1/2003, Art. 23) (see paras 85-87)*
9. *Competition — Fines — Amount — Determination — Criteria — Gravity and duration of the infringement — Elements of assessment (Art. 81 EC; Council Regulation No 1/2003, Art. 23(2) and (3); Commission communication 2006/C 210/02, see paras 20 and 27) (see paras 88-90, 93, 105)*
10. *Acts of the institutions — Statement of reasons — Obligation — Scope (Art. 253 EC) (see para.130)*
11. *Competition — Administrative procedure — Time-limit with regard to proceedings — Point from which time starts to run — Continuous or continued infringement — Day on which the infringement ended — Interruption — Request for information — Scope (Art. 81 EC; Council Regulation No 1/2003, Art. 23(2)(a) and 25(1)(b) and 3(a)) (see paras 135-137)*

**Re:**

Appeal brought against the judgment of the General Court (Eighth Chamber) of 16 June 2011 in Cases T-208/08 and T-209/08, by which the General Court, in Case T-208/08, annulled Commission Decision C (2008) 926 final of 11 March 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP 38.543 — International Removal Services), in so far as that decision finds that Gosselin Group NV participated in an infringement of Article 81(1) EC from 30 October 1993 to 14 November 1996 and, in Case T-209/08, annulled Decision C(2008) 926, as amended by Decision C(2009) 5810, in so far as it relates to Stichting Administratiekantoort Portielje.

**Operative part**

The Court:

1. Dismisses the appeal;

2. Orders Gosselin Group NV to pay the costs.