



Reports of Cases

Judgment of the Court (Third Chamber) of 11 July 2013 — Team Relocations and Others v Commission

(Case C-444/11 P)

(Appeals — Competition — Agreements, decisions and concerted practices — Article 81 EC and Article 53 of the EEA Agreement — International removal services market in Belgium — Direct and indirect price-fixing, market-sharing and manipulation of the procedures for the submission of tenders — Single and continuous infringement — Imputability — Guidelines on the method of setting fines (2006) — Value of sales — Concept — Proportion — Additional amount — Mitigating circumstances — Obligation to state reasons — Imputability to the parent company of the infringement — Regulation (EC) No 1/2003 — Article 23(2) — Ceiling of 10% of turnover — Proportionality)

1. *Appeals — Grounds — Appeal brought against a judgment ruling on joined cases — Possibility for any party to raise a ground of appeal against any part of the General Court's reasoning, irrespective of the pleas which it raised before that court (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.) (see paras 33, 34)*
2. *Agreements, decisions and concerted practices — Prohibition — Infringements — Agreements and concerted practices constituting a single infringement — Imputing liability to one undertaking for the entire infringement — Conditions (Art. 81(1) EC) (see paras 49, 50, 54-56)*
3. *Appeals — Grounds — Incorrect assessment of the facts and evidence — Inadmissibility — Court's review of the assessment of the facts and the evidence — 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 59-62)*
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 64-66, 132)*
5. *Competition — Fines — Amount — Determination — Criteria — Overall turnover of the undertaking concerned — Turnover corresponding to the goods covered by the infringement — To be taken into consideration — Limits (Art. 81 EC; Council Regulation No 1/2003, Arts 23(2); Commission Communication 2006/C 210/02, paras 6 and 13) (see paras 73-76)*

6. *EU law — Interpretation — Texts in several languages — Differences between the various language versions — Taking into account of the general scheme and purpose of the legislation in question (see para. 81)*
7. *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 95-97)*
8. *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, paras 20 and 27) (see paras 98-100, 105, 108)*
9. *Appeals — Grounds — Plea against a ground of the judgment not necessary to support the operative part — Invalid plea in law (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.) (para. 117)*
10. *Acts of the institutions — Statement of reasons — Obligation — Scope (Art. 253 EC) (see paras 118-120)*
11. *Judicial proceedings — Application initiating proceedings — Formal requirements — Brief summary of the pleas in law on which the application is based — Abstract statement of the grounds — Inadmissibility (Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court of Justice, Art. 168(1)(d)) (see para. 135)*
12. *Competition — EU rules — Infringements — Attribution — Parent company and subsidiaries — Economic unit — Commission's margin of discretion — Compliance with the principle of equality (Art. 81 EC; Council Regulation No 1/2003, Art. 23(2)(a)) (see paras 157-160, 162)*
13. *Competition — Fines — Amount — Determination — Maximum amount — Calculation — Turnover to be taken into consideration — Cumulative turnover of all the companies forming an economic entity acting as an undertaking (Art. 81 EC; Council Regulation No 1/2003, Art. 23(2)) (see paras 171-173)*
14. *EU law — Principles — Equal treatment — Meaning — Limits (Charter of fundamental rights of the European Union, Arts 20 and 21) (see para. 186, 187)*

Re:

APPEAL against the judgment of the General Court (Eighth Chamber) of 16 June 2011 in Joined Cases T-204/08 and T-212/08 *Team Relocations NV and Others v Commission*, by which the General Court dismissed an action seeking the partial annulment of 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), concerning a cartel on the Belgium international removal services market involving direct and indirect price-fixing, market-sharing and manipulation of the procedures for the submission of tenders, and the annulment of the fine imposed on the applicant or, in the alternative, reduction of that fine.

Operative part

The Court:

1. Dismisses the appeal;
2. Orders Team Relocations NV, Amertranseuro International Holdings Ltd, Trans Euro Ltd and Team Relocations Ltd jointly and severally to bear the costs.