



Reports of Cases

Order of the Court (Sixth Chamber) of 13 December 2012 — *Alliance One International v Commission*

(Case C-593/11 P)

(Appeal — Competition — Agreements, decisions or concerted practices — Italian market for the purchase and first processing of raw tobacco — Price-fixing and market-sharing — Attributability of unlawful conduct of subsidiaries to their parent companies — Presumption of innocence — Rights of defence — Obligation to state reasons)

1. *Appeals — Grounds — Inadequate or contradictory grounds — Scope of the obligation to state reasons — Reliance by the General Court on implied reasoning — Lawfulness — Conditions (Statute of the Court of Justice, Arts 36 and 53, first para.; Rules of Procedure of the General Court, Art. 81) (see paras 27-29, 50)*
2. *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(1) TFEU; Statute of the Court of Justice, Art. 58(1)) (see para. 34)*
3. *Appeals — Grounds — Plea submitted for the first time in the context of the appeal — Inadmissibility (Statute of the Court of Justice, Art. 58) (see para. 40)*
4. *Competition — EU rules — Infringements — Attribution — Parent company and subsidiaries — Economic unit — Criteria for assessment — Presumption that a parent company exerts a decisive influence over its wholly-owned subsidiaries — Whether rebuttable — Evidence capable of reversing that presumption (Arts 101 TFEU and 102 TFEU; Council Regulation No 1/2003, Art. 23(2)) (see paras 42-45, 51)*

Re:

Appeal brought against the judgment of the General Court (Third Chamber) of 9 September 2011 in Case T-25/06 *Alliance One International v Commission* dismissing an action for annulment in part of Commission Decision 2006/901/EC of 20 October 2005 relating to a proceeding under Article 81(1) of the EC Treaty (Case COMP/C.38.281/B.2 — Raw tobacco — Italy) (notified under document

number C (2005) 4012) (OJ 2006 L 353, p. 45) concerning a cartel designed to fix prices paid to producers and other intermediaries and to share suppliers in the Italian raw tobacco market, and reduction of the fine imposed on the appellant.

Operative part

1. The appeal is dismissed.
2. Alliance One International Inc. is ordered to pay the costs.