

Defendant: European Commission (represented by: initially F. Clotuche-Duvieusart and J. Vondung, then F. Clotuche-Duvieusart and H. Krämer, acting as Agents, in cooperation initially with R. van der Hout and A. Köhler, then R. van der Hout and C. Wagner, lawyers)

Re:

Application on the basis of Article 263 TFEU seeking the annulment in part of Commission Decision GESTDEM 2014/547 of 2 June 2014, confirming the refusal to grant access to all the documents related to correspondence between the European Commission, on the one hand, and the undertakings Honeywell et DuPont or car manufacturers, on the other hand, during the period from September 2011 until April 2012 and from September 2012 until the end of January 2014, concerning refrigerant R1234yf used in motor vehicles.

Operative part of the judgment

The Court:

1. Rules that there is no longer any need to adjudicate on the application for annulment in part of Commission Decision GESTDEM 2014/547 of 2 June 2014, in so far as it concerns the initially redacted parts of document No 34 which, subsequently, were made public;
2. Dismisses the action as to the remainder;
3. Orders Deutsche Umwelthilfe eV to pay the costs.

⁽¹⁾ OJ C 329, 22.9.2014.

Judgment of the General Court of 12 December 2018 — Biogaran v Commission

(Case T-677/14) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market for perindopril, a medicinal product intended for the treatment of cardiovascular diseases, in its originator and generic versions — Decision finding an infringement of Articles 101 TFEU and 102 TFEU — Agreements intended to delay, or even prevent, the market entry of generic versions of perindopril — Participation of a subsidiary in the infringement committed by its parent company — Imputation of the infringement — Joint and several liability — Ceiling of the fine)

(2019/C 82/26)

Language of the case: French

Parties

Applicant: Biogaran (Colombes, France) (represented by: T. Reymond, O. de Juvigny and J. Jourdan, lawyers)

Defendant: European Commission (represented initially by F. Castilla Contreras, T. Vecchi and B. Mongin, and subsequently by F. Castilla Contreras, B. Mongin and C. Vollrath, acting as Agents)

Re:

Application under Article 263 TFEU for annulment of Commission Decision C(2014) 4955 final of 9 July 2014 relating to a proceeding under Article 101 and Article 102 TFEU [Case AT.39612 — Perindopril (Servier)] in so far as it concerns the applicant and, in the alternative, for reduction of the fine imposed on the applicant by that decision.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Biogaran to pay the costs.

⁽¹⁾ OJ C 395, 10.11.2014.

Judgment of the General Court of 12 December 2018 — Teva UK and Others v Commission

(Case T-679/14) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Perindopril market, medicinal product intended for the treatment of cardiovascular diseases, in its originator and generic versions — Decision finding an infringement of Article 101 TFEU — Principle of impartiality — Consultation of the Advisory Committee on Restrictive Practices and Dominant Positions — Patent dispute settlement and exclusive purchasing agreement — Potential competition — Restriction of competition by object — Balance between competition law and patent law — Conditions for exemption under Article 101(3) TFEU — Fines)

(2019/C 82/27)

Language of the case: English

Parties

Applicants: Teva UK Ltd (West Yorkshire, United Kingdom), Teva Pharmaceuticals Europe BV (Utrecht, Netherlands), Teva Pharmaceutical Industries Ltd (Jerusalem, Israel) (represented by D Tayar and A. Richard, lawyers)

Defendant: European Commission (represented initially by F. Castilla Contreras, T. Vecchi and B. Mongin, and subsequently by F. Castilla Contreras, B. Mongin and C. Vollrath, acting as Agents, and by G. Peretz, Barrister)

Intervener in support of the applicants: European Generic medicines Association AISBL (EGA) (Brussels, Belgium) (represented by S.-P. Brankin, Solicitor, and E. Wijckmans, lawyer)

Re:

Application under Article 263 TFEU for annulment of Commission Decision C(2014) 4955 final of 9 July 2014 relating to a proceeding under Article 101 and Article 102 TFEU [Case AT.39612 — Perindopril (Servier)] in so far as it concerns the applicants and, in the alternative, for reduction of the fine imposed on the applicants by that decision.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Teva UK Ltd, Teva Pharmaceuticals Europe BV and Teva Pharmaceutical Industries Ltd to pay, in addition to their own costs, the costs incurred by the Commission;
3. Orders the European Generic medicines Association AISBL (EGA) to bear its own costs.

⁽¹⁾ OJ C 409, 17.11.2014.