

**Judgment of the General Court of 12 December 2018 — Unichem Laboratories v Commission**(Case T-705/14) <sup>(1)</sup>

*(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 Article 101 TFEU — Patent dispute settlement agreement — Commission's territorial jurisdiction — Imputation of the unlawful conduct — Administrative procedure — Legal professional privilege protecting communications between lawyers and their clients — Potential competition — Restriction of competition by object — Objective necessity of the restriction — Balance between competition law and patent law — Conditions for exemption under Article 101(3) TFEU — Fines)*

(2019/C 82/33)

Language of the case: English

**Parties**

*Applicant:* Unichem Laboratories Ltd (Mumbai, India) (represented by S. Mobley, K. Shaw, K. Cousins, M. Healy, H. Sheraton, and E. Batchelor, Solicitors)

*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 S. Kingston, Barrister-at-law)

**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 annulment or reduction of the fine imposed on the applicant by that decision.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Unichem Laboratories Ltd to pay the costs.

<sup>(1)</sup> OJ C 448, 15.12.2014.

**Judgment of the General Court of 13 December 2018 — Deutsche Telekom v Commission**(Case T-827/14) <sup>(1)</sup>

*(Competition — Abuse of a dominant position — Slovak market for broadband telecommunications services — Access by third-party undertakings to the 'local loop' of the incumbent operator on that market — Decision finding an infringement of Article 102 TFEU and of Article 54 of the EEA Agreement — Single and continuous infringement — Definition of 'abuse' — Refusal to grant access — Margin squeeze — Calculation of margin squeeze — Equally efficient competitor test — Rights of defence — Imputation to a parent company of an infringement committed by its subsidiary — Decisive influence of the parent company over the subsidiary's commercial policy — Actual exercise of such influence — Burden of proof — Calculation of the amount of the fine — 2006 Guidelines on the method of setting fines — Separate fine imposed solely on the parent company for repeated infringement and application of a multiplier for the purpose of deterrence)*

(2019/C 82/34)

Language of the case: German

**Parties**

*Applicant:* Deutsche Telekom AG (Bonn, Germany) (represented by: K. Apel and D. Schroeder, lawyers)