

**Judgment of the General Court of 8 May 2019 — Lucchini v Commission**(Case T-185/18) <sup>(1)</sup>

***(Competition — Agreements, decisions and concerted practices — Market for concrete reinforcing bars in bars or coils — Decision finding an infringement of Article 65 CS after the expiry of the ECSC Treaty on the basis of Regulation (EC) No 1/2003 — Partial annulment of the Commission decision — Rejection of a request for reimbursement of a fine paid pursuant to a decision annulled in part — Rejection of a request to be allowed to participate in the administrative procedure that was reopened following the partial annulment of the decision — Rights of the defence — Non-existent act — Non-contractual liability — Limitation)***

(2019/C 230/48)

*Language of the case: Italian***Parties**

*Applicant:* Lucchini SpA in AS (Piombino, Italy) (represented by: G. Belotti, lawyer)

*Defendant:* European Commission (represented by: P. Rossi, G. Conte and T. Vecchi, acting as Agents)

**Re:**

First, application under Article 263 TFEU seeking annulment of the Commission's letter of 17 January 2018 rejecting the applicant's request to be reimbursed for the fine, in the amount of EUR 14 350 000, that was imposed on it by Commission Decision C(2009) 7492 final of 30 September 2009 concerning an infringement of Article 65 of the ECSC Treaty, in accordance with Article 101 TFEU and Article 53 of the EEA Agreement (Case COMP/37.956 — Reinforcing bars, re-adoption) and of the Commission's letter of 9 March 2018 rejecting the applicant's request to be allowed to participate in the resumed procedure relating to that case and, secondly, application under Article 268 TFEU seeking compensation for the damage allegedly suffered by the applicant as a result of the infringement of Article 41 of the Charter of Fundamental Rights of the European Union committed by the Commission in the procedure leading to the adoption of that decision.

**Operative part of the judgment**

The Court:

1. *Dismisses the action;*
2. *Orders Lucchini SpA in AS to pay the costs.*

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<sup>(1)</sup> OJ C 161, 7.5.2018.

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