

GENERAL COURT

Judgment of the General Court of 27 March 2014 — Saint-Gobain Glass France and Others v Commission

(Cases T-56/09 and T-73/09) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European market in car glass — Decision finding an infringement of Article 81 EC — Market-sharing agreements and exchanges of commercially sensitive information — Regulation (EC) No 1/2003 — Plea of illegality — Fines — Retroactive application of the 2006 Guidelines on the method of setting fines — Value of sales — Repeated infringement — Additional amount — Imputability of the unlawful conduct — Upper limit of the fine — Consolidated turnover of the group)

(2014/C 151/20)

Language of the cases: French

Parties

Applicants: Saint-Gobain Glass France SA (Courbevoie, France); Saint-Gobain Sekurit Deutschland GmbH & Co. KG (Aachen, Germany); Saint-Gobain Sekurit France SAS (Thourotte, France) (represented: initially by B. van de Walle de Ghelcke, B. Meyring, E. Venot and M. Guillaumond, and subsequently by B. van de Walle de Ghelcke, B. Meyring and E. Venot, lawyers) (Case T-56/09); and Compagnie de Saint-Gobain SA (Courbevoie) (represented by: P. Hubert and E. Durand, lawyers) (Case T-73/09)

Defendant: European Commission (represented: initially by A. Bouquet, F. Castillo de la Torre, M. Kellerbauer and N. von Lingen, and subsequently by A. Bouquet, F. Castillo de la Torre, M. Kellerbauer and F. Ronkes Agerbeek, acting as Agents)

Intervener in support of the defendant: Council of the European Union (represented by: E. Karlsson and F. Florindo Gijón, acting as Agents)

Re:

Applications for the annulment of Commission Decision C (2008) 6815 final of 12 November 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (COMP/39.125 — Car glass), as amended by Commission Decision C (2009) 863 final of 11 February 2009, and by Decision C (2013) 1118 final of 28 February 2013, in so far as it concerns the applicants and, in the alternative, application for the annulment of Article 2 of that decision in so far as it imposes a fine on the applicants or, in the further alternative, applications for a reduction in the amount of that fine.

Operative part of the judgment

The Court:

1. Joins Cases T-56/09 and T-73/09 for the purposes of the judgment;
2. Sets the amount of the fine imposed jointly and severally on Saint-Gobain Glass France SA, Saint-Gobain Sekurit Deutschland GmbH & Co. KG, Saint-Gobain Sekurit France SAS and Compagnie de Saint-Gobain SA in Article 2(b) of Commission Decision C (2008) 6815 final of 12 November 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (COMP/39.125 — Car glass), as amended by Commission Decision C (2009) 863 final of 11 February 2009, and by Decision C (2013) 1118 final of 28 February 2013, at EUR 715 million;
3. Dismisses the actions as to the remainder;
4. Orders each party to bear its own costs, with the exception of the Council of the European Union, the costs of which are to be borne by Saint-Gobain Glass France, Saint-Gobain Sekurit Deutschland and Saint-Gobain Sekurit France.

⁽¹⁾ OJ C 90, 18.4.2009.