

GENERAL COURT

Judgment of the General Court of 17 December 2014 — Pilkington Group and Others v Commission

(Case T-72/09) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European market in carglass — Decision finding an infringement of Article 81 EC — Market-sharing agreements and exchanges of commercially sensitive information — Fines — Rights of defence — Retroactive application of the 2006 Guidelines on the method of setting fines — Value of sales — Passive or minor role — Deterrent effect of the fine — Taking into account fines previously imposed — Ceiling of the fine — Exchange rate for the calculation of the ceiling of the fine)

(2015/C 056/16)

Language of the case: English

Parties

Applicants: Pilkington Group Ltd (St Helens, United Kingdom); Pilkington Automotive Ltd (Lathom, United Kingdom); Pilkington Automotive Deutschland GmbH (Witten, Germany); Pilkington Holding GmbH (Gelsenkirchen, Germany); and Pilkington Italia SpA (San Salvo, Italy) (represented by: J. Scott, S. Wisking, K. Fountoukakos-Kyriakakos, Solicitors, J. Turner QC, A. Bates, Barrister, C. Puech Baron and D. Katrana, lawyers)

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

Re:

Application for annulment of Commission Decision C(2008) 6815 final of 12 November 2008 relating to a proceeding pursuant to Article 81 [EC] and Article 53 of the EEA Agreement (COMP/39.125 — Carglass), as amended by Commission Decision C(2009) 863 final of 11 February 2009 and also by Commission Decision C(2013) 1119 final of 28 February 2013, in so far as it concerns the applicants, and also, in the alternative, for annulment of Article 2 of that decision in that it imposes a fine on the applicants or, in the further alternative, application for reduction of that fine.

Operative part of the judgment

The Court:

- 1) *Dismisses the action;*
- 2) *Orders Pilkington Group Ltd, Pilkington Automotive Ltd, Pilkington Automotive Deutschland GmbH, Pilkington Holding GmbH and Pilkington Italia SpA to bear 90 % of their own costs and to pay all of the costs incurred by the Commission and orders the Commission to bear 10 % of the costs incurred by the applicants.*

⁽¹⁾ OJ C 102, 1.5.2009.