



Court of Justice of the European Union

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Press and Information

Judgment in Case C-287/11 P
Commission v Aalberts Industries NV and Others

The Court dismisses the Commission's appeal against the judgment of the General Court annulling the fines imposed on Aalberts, Aquatis and Simplex due to their participation in the cartel on the copper fittings market

By decision of 20 September 2006¹, the European Commission imposed fines of a total amount of €314.76 million on 30 companies for having participated in a cartel in the copper fittings sector. It found in particular that Aalberts Industries NV, as a parent company, and its subsidiaries, Comap SA (formerly Aquatis France SAS) and Simplex Armaturen participated in that cartel between 25 June 2003 and 1 April 2004. The Commission imposed a fine of €100.8 million on Aalberts, €55.15 million of which was imposed jointly and severally with its subsidiaries, Aquatis and Simplex, and an additional fine imposed jointly and severally on each of those two companies.

The infringement consisted in fixing prices, agreeing on discounts and rebates, agreeing on implementation mechanisms for introducing price increases, allocating national markets, allocating customers and exchanging other commercial information and also in participating in regular meetings.

The undertakings turned to the General Court to seek, primarily, the annulment of the Commission Decision and, in the alternative, the reduction of their fines.

By judgment of 24 March 2011², the General Court took the view that the Commission had committed an error in regarding those undertakings as having participated in the cartel during the period between 25 June 2003 and 1 April 2004. The General Court annulled the Commission Decision and the fines imposed on the undertakings.

By its judgment delivered today, **the Court of Justice dismisses the Commission's appeal**. Consequently, the General Court's annulment of the fines stands.

NOTE: An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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¹ Commission Decision C(2006) 4180 of 20 September 2006 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/F 1/38.121 – Fittings).

² Case [T-385/06](#) *Aalberts Industries and Others v Commission*, see Press Release No [24/11](#).

Copper Fittings Cartel

<u>Case number</u>	<u>Parties</u>	<u>Nationality</u>	<u>Fine imposed by the Commission</u>	<u>Decision of the General Court</u>	<u>Decision of the Court of Justice</u>
C-276/11 P	Viega v Commission	DE	€54.29 million	T-375/06 Dismissal of the action	Dismissal of the appeal
C-289/11 P	Legris Industries v Commission	FR	€46.8 million	T-376/06 Dismissal of the action	Dismissal of the appeal
C-290/11 P	Comap v Commission	FR	€18.56 million	T-377/06 Dismissal of the action	Dismissal of the appeal
C-264/11 P	Kaimer and Others v Commission	DE, IT	€7.97 million	T-379/06 Reduction of the fine €7.15 million	Dismissal of the appeal
C-286/11 P	Commission v Tomkins	UK	€5.25 million	T-382/06 Reduction of the fine €4.25 million	Dismissal of the appeal
C-287/11 P	Commission v Aalberts Industries and Others	NL, FR, DE	€100.8 million	T-385/06 Annulment of the fine	Dismissal of the appeal