



Press and Information

Court of Justice of the European Union

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Judgment in Case C-501/11 P
Schindler Holding and Others v Commission

The Court upholds the fine imposed on the Schindler group for its participation in the cartel on the elevator and escalator market

The Schindler group is one of the largest groups in the world supplying elevators and escalators. Its parent company is Schindler Holding, established in Switzerland. The Schindler group operates through national subsidiaries, which include Schindler Management AG (Switzerland), Schindler SA (Belgium), Schindler Sàrl (Luxembourg), Schindler Liften BV (Netherlands) and Schindler Deutschland Holding GmbH (Germany).

By decision of 21 February 2007,¹ the Commission imposed fines on a number of companies in the Otis, Kone, ThyssenKrupp and Schindler groups for having participated in cartels on the market for the sale, installation, maintenance and modernisation of elevators and escalators in Belgium, Germany, Luxembourg and the Netherlands. **In the case of the Schindler group the fine imposed amounted to a total of more than EUR 143 million.**²

The infringements found by the Commission consisted mainly in competitors sharing the markets between themselves by agreeing or concerting to allocate tenders and contracts for the sale, installation, maintenance and modernisation of elevators and escalators.

The Schindler group brought an action before the Court of First Instance (now the General Court) for annulment of the Commission's decision or reduction of the fines imposed upon it.

By a judgment delivered in 2011,³ the General Court rejected all the arguments put forward by the Schindler group and consequently decided to maintain the fines imposed upon it.

The companies in the Schindler group brought an action before the Court of Justice in order to have the General Court's judgment set aside. They put forward a number of arguments, in particular arguments alleging breach of their fundamental rights stemming from the European Convention of Human Rights as well as several arguments relating to determination of the amount of their fine.

By its judgment delivered today, the Court of Justice has rejected all the arguments put forward by the Schindler group and maintained the amount of the fine imposed.

¹ Commission Decision C(2007) 512 final of 21 February 2007 relating to a proceeding under Article 81 [EC] (Case COMP/E-1/38.823 – Elevators and Escalators), a summary of which is published in the *Official Journal of the European Union* (OJ 2008 C 75, p. 19).

² For the infringements in **Belgium** – Schindler Holding Ltd (Switzerland) and Schindler SA (Belgium), jointly and severally: EUR 69 300 000. For the infringements in **Germany** – Schindler Holding Ltd (Switzerland) and Schindler Deutschland Holding GmbH (Germany), jointly and severally: EUR 21 458 250. For the market in **Luxembourg** – Schindler Holding Ltd (Switzerland) and Schindler Sàrl (Luxembourg), jointly and severally: EUR 17 820 000. For the infringements in the **Netherlands** – Schindler Holding Ltd (Switzerland) and Schindler Liften BV (Netherlands), jointly and severally: EUR 35 169 750.

³ Judgment of the General Court of 13 July 2011 in Case [T-138/07](#) *Schindler Holding Ltd and Others v Commission*, see also Press Release No [72/11](#).

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.

Press contact: Christopher Fretwell ☎ (+352) 4303 3355