



General Court of the European Union

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Judgments in Case T-364/10 Duravit AG and Others v Commission, Case T-368/10 Rubinetteria Cisol SpA v Commission, Joined Cases T-373/10 Villeroy & Boch Austria GmbH v Commission, T-374/10 Villeroy & Boch AG v Commission, T-382/10 Villeroy & Boch SAS v Commission and T-402/10 Villeroy & Boch – Belgium v Commission, Case T-375/10 Hansa Metallwerke AG and Others v Commission, Case T-376/10 Mamoli Robinetteria SpA v Commission, Case T-378/10 Masco Corp. and Others v Commission, Case T-380/10 Wabco Europe and Others v Commission, Case T-386/10 Aloys F. Dornbracht GmbH & Co. KG v Commission, Joined Cases T-379/10 Keramag Keramische Werke AG, Koralle Sanitärprodukte GmbH, Koninklijke Sphinx BV, Allia SAS, Produits Céramique de Touraine SA and Pozzi Ginori SpA v Commission and T-381/10 Sanitec Europe Oy v Commission, Case T-396/10 Zucchetti Rubinetteria SpA v Commission, Case T-408/10 Roca Sanitario SA v Commission, Case T-411/10 Laufen Austria AG v Commission and Case T-412/10 Roca v Commission

Press and Information

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## **The General Court reduces the fines imposed on certain companies that participated in a cartel on the bathroom fixtures and fittings market**

By decision of 23 June 2010<sup>1</sup>, the Commission imposed fines totalling more than €622 million on 17 bathroom equipment manufacturers for participation in a single and continuous infringement in the bathroom fixtures and fittings sector. The Commission found that those undertakings had regularly taken part in anti-competitive meetings over various periods between 16 October 1992 and 9 November 2004 in Germany, Austria, Belgium, France, Italy and the Netherlands. The Commission concluded that the coordination of annual price increases and other pricing elements and the disclosure and exchange of sensitive business information, in which the undertakings were involved, amounted to a cartel. According to the Commission, the infringement covered taps and fittings, shower enclosures and accessories, and ceramic ware.

Some of the companies penalised by the Commission have brought actions before the General Court seeking annulment of the Commission's decision or reduction of the fines.

The Court partly annuls the Commission's decision with regard to **Trane Inc., Wabco Europe and Ideal Standard Italia Srl**. The Commission had imposed fines of €259 million on Trane Inc., of €45.06 million jointly and severally on Wabco Europe and Trane Inc and of €12.32 million jointly and severally on Ideal Standard Italia Srl, Wabco Europe and Trane Inc. The Court **reduces the fines imposed** on those companies on the ground that, solely on the Italian market for ceramics, they participated in the infringement only from 12 May 2000 to 9 March 2001 instead of the considerably longer periods found by the Commission<sup>2</sup>. As a result, the Court sets Trane Inc.'s fine at €92.66 million, the fine imposed jointly and severally on Wabco Europe and Trane Inc. at €15.82 million and the fine imposed jointly and severally on Ideal Standard Italia Srl, Wabco Europe and Trane Inc. at €4.52 million.

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<sup>1</sup> Commission Decision C(2010) 4185 final of 23 June 2010 relating to a proceeding under Article 101 TFEU and Article 53 EEA (Case COMP/39092 – Bathroom Fittings and Fixtures).

<sup>2</sup> In its decision, the Commission had found there to be an infringement in the following periods: from 15 March 1993 to 9 November 2004 in relation to Trane Inc., from 29 October 2001 to 9 November 2004 in relation to Wabco Europe and from 15 March 1993 to 9 November 2004 in relation to Ideal Standard Italia.

As regards **Duravit AG, Duravit BeLux SPRL/BVBA and Duravit SA**, the Court partly annuls the Commission's decision in so far as it found, wrongly, that those companies had participated in an infringement in Austria, Italy and the Netherlands. The Court has decided, however, to set the total amount of the companies' fine at a level corresponding to that set by the Commission, namely €29.27 million. It considers that, in view of the duration and gravity of the infringement in which those companies took part, it will serve as an appropriate and dissuasive penalty in respect of their anti-competitive conduct.

As regards the **Villeroy & Boch group**, the Court annuls the Commission's decision solely in so far as the Commission concluded, wrongly, that Villeroy & Boch AG had participated in a cartel in the bathroom fixtures and fittings sector in Germany, Austria, Belgium, France, Italy and the Netherlands prior to 12 October 1994. That annulment does not, however, lead the Court to reduce the fine imposed on that company, since, for the purpose of calculating the fine, the Commission had only taken into account its participation in the infringement from 12 October 1994<sup>3</sup>.

As regards **Sanitec Europe Oy, Keramag Keramische Werke AG, Koralle Sanitärprodukte GmbH, Koninklijke Sphinx BV, Allia SAS, Produits Céramique de Touraine SA (PCT) and Pozzi Ginori SpA**, the Court, first of all, annuls the Commission's decision in so far as it held, incorrectly, that Allia SAS and PCT had taken part in the cartel on the French market between 25 February 2004 and 9 November 2004. Second, the Court holds that **Pozzi Ginori SpA** participated in the infringement between 14 May 1996 and 9 March 2001<sup>4</sup>. Finally, because of the annulment of the fines imposed on Allia and PCT respectively, the Court annuls the Commission's decision in so far as the total amount of the fine of €57.69 million, imposed on Sanitec Europe, Keramag Keramische Werke, Koralle Sanitärprodukte, Koninklijke Sphinx, and Pozzi Ginori, exceeds €50.58 million. It considers the latter amount to be a suitable penalty which punishes their anti-competitive behaviour in an appropriate and dissuasive manner.

With regard to the **Roca group**, the Commission imposed fines of €17.70 million jointly and severally on Roca Sanitario SA and its subsidiary Laufen Austria AG and €6.7 million jointly and severally on Roca Sanitario and its other subsidiary Roca (Roca France). The Court annuls the Commission's decision in relation to Roca France to the extent that the amount of the fine was determined without account being taken of Roca France's cooperation with the Commission during the administrative proceedings. Consequently, **the Court reduces the fine imposed on Roca France and sets the amount at €6.298 million. The Court also reduces the fine imposed on Roca Sanitario**, solely in its capacity as Roca France's parent company, since, in the case in point, the parent company's liability is purely derivative, secondary and dependent on the liability of its subsidiary and therefore cannot exceed it. The fine imposed on Roca Sanitario on a joint and several basis is set at **€6.298 million**.

**The Court dismisses the actions of the other companies** that have brought proceedings before it, namely **Masco Corp, Mamoli Robinetteria SpA, Zucchetti Rubinetteria SpA, Rubinetteria Cital SpA, Aloys F. Dornbracht GmbH & Co. KG and Hansa Metallwerke AG and Others**.

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<sup>3</sup> According to the Court, Villeroy & Boch was not involved in the cartel before 12 October 1994, while the Commission had taken 28 September 1994 to be the start of the infringement period.

<sup>4</sup> The Court has concluded that the Commission was wrong in taking 14 September 2001 to be the date on which the infringement came to an end.

### Bathroom fixtures and fittings cartel

<u>Case number</u>	<u>Companies</u>	<u>Fines imposed by the Commission</u>	<u>Decision of the General Court</u>
<p><a href="#">T-364/10</a></p> <p><i>Duravit and Others v Commission</i></p>	<p><b>Duravit AG</b> (Germany)</p> <p><b>Duravit SA</b> (France)</p> <p><b>Duravit BeLux SPRL/BVBA</b> (Belgium)</p>	<p>€25.23 million on Duravit AG</p> <p>€2.47 million jointly and severally on Duravit BeLux SPRL/BVBA and Duravit AG</p> <p>€1.57 million jointly and severally on Duravit SA and Duravit AG</p>	<p>Annulment in part</p> <p>Fines upheld</p>
<p><a href="#">T-368/10</a></p> <p><i>Rubinetteria Cisa v Commission</i></p>	<p><b>Rubinetteria Cisa SpA</b> (Italy)</p>	<p>€1.20 million</p>	<p>Action dismissed</p> <p>Fine upheld</p>
<p><a href="#">T-373/10</a></p> <p><i>Villeroy &amp; Boch Austria v Commission</i></p> <p><a href="#">T-374/10</a></p> <p><i>Villeroy &amp; Boch AG v Commission</i></p> <p><a href="#">T-382/10</a></p> <p><i>Villeroy &amp; Boch SAS v Commission</i></p> <p><a href="#">T-402/10</a></p> <p><i>Villeroy &amp; Boch - Belgium v Commission</i></p>	<p><b>Villeroy &amp; Boch Austria GmbH</b> (Austria)</p> <p><b>Villeroy &amp; Boch AG</b> (Germany)</p> <p><b>Villeroy &amp; Boch SAS</b> (France)</p> <p><b>Villeroy &amp; Boch - Belgium</b> (Belgium)</p>	<p>€54.44 million on Villeroy &amp; Boch (parent company)</p> <p>€6.08 million jointly and severally on Villeroy &amp; Boch Austria GmbH and Villeroy &amp; Boch</p> <p>€2.94 million jointly and severally on Villeroy &amp; Boch Belgium and Villeroy &amp; Boch</p> <p>€8.07 million jointly and severally on Villeroy &amp; Boch France and Villeroy &amp; Boch</p> <p>TOTAL: €71.53 million</p>	<p>Annulment in part</p> <p>Fines upheld</p>
<p><a href="#">T-375/10</a></p> <p><i>Hansa Metallwerke and Others v Commission</i></p>	<p><b>Hansa Metallwerke AG</b> (Germany)</p> <p><b>Hansa Nederland BV</b> (Netherlands)</p> <p><b>Hansa Italiana Srl</b> (Italy)</p> <p><b>Hansa Belgium</b> (Belgium)</p> <p><b>Hansa Austria GmbH</b> (Austria)</p>	<p>€10.33 million on Hansa Metallwerke AG</p> <p>€2.25 million jointly and severally on Hansa Austria GmbH and Hansa Metallwerke AG</p> <p>€2.07 million jointly and severally on Hansa Italiana srl and Hansa Metallwerke AG</p> <p>€112 974 jointly and severally on Hansa Belgium and Hansa Metallwerke AG</p> <p>€0 on Hansa Nederland BV and Hansa Metallwerke AG</p>	<p>Action dismissed</p> <p>Fines upheld</p>

<p><a href="#">T-376/10</a></p> <p><i>Mamoli Robinetteria v Commission</i></p>	<p><b>Mamoli Robinetteria SpA</b> (Italy)</p>	<p>€1.04 million</p>	<p>Action dismissed</p> <p>Fine upheld</p>
<p><a href="#">T-378/10</a></p> <p><i>Masco and Others v Commission</i></p>	<p><b>Masco Corp.</b> (United States)</p> <p><b>Hansgrohe AG</b> (Germany)</p> <p><b>Hansgrohe Deutschland Vertriebs GmbH</b> (Germany)</p> <p><b>Hansgrohe Handelsgesellschaft mbH</b> (Austria)</p> <p><b>Hansgrohe SA/NV</b> (Belgium)</p> <p><b>Hansgrohe BV</b> (Netherlands)</p> <p><b>Hansgrohe SARL</b> (France)</p> <p><b>Hansgrohe SRL</b> (Italy)</p> <p><b>Hüppe GmbH</b> (Germany)</p> <p><b>Hüppe Ges.mbH</b> (Austria)</p> <p><b>Hüppe Belgium SA</b> (Belgium)</p> <p><b>Hüppe BV</b> (Netherlands)</p>	<p>No fine imposed</p>	<p>Action dismissed</p>
<p><a href="#">T-379/10</a></p> <p><i>Keramag Keramische Werke and Others v Commission</i></p> <p><a href="#">T-381/10</a></p> <p><i>Sanitec Europe v Commission</i></p>	<p><b>Keramag Keramische Werke AG</b> (Germany)</p> <p><b>Koralle Sanitärprodukte GmbH</b> (Germany)</p> <p><b>Koninklijke Sphinx BV</b> (Netherlands)</p> <p><b>Allia SAS</b> (France)</p> <p><b>Produits Céramique de Touraine SA</b> (PCT, France)</p> <p><b>Pozzi Ginori SpA</b> (Italy)</p> <p><b>Sanitec Europe Oy</b> (Finland)</p>	<p>€9.87 million on Sanitec Europe</p> <p>€26.07 million jointly and severally on Keramag and Sanitec Europe</p> <p>€1.40 million jointly and severally on Sphinx and Sanitec Europe</p> <p>€4.58 million jointly and severally on Allia and Sanitec Europe</p> <p>€2.53 million jointly and severally on PCT, Allia and Sanitec Europe</p> <p>€4.52 million jointly and severally on Pozzi Ginori and Sanitec Europe</p> <p>€5.23 million jointly and severally on Koralle and Sanitec Europe</p> <p>€3.50 million on Koralle</p>	<p>Annulment in part</p> <p>Fines imposed on Allia and PCT annulled</p> <p>Amount of the fine imposed jointly and severally limited to €50.58 million instead of €57.69 million</p>

<p><a href="#">T-380/10</a></p> <p><i>Wabco Europe and Others v Commission</i></p>	<p><b>Wabco Europe</b> (Belgium)</p> <p><b>Wabco Austria GesmbH</b> (Austria)</p> <p><b>Trane Inc.</b> (United States)</p> <p><b>Ideal Standard Italia Srl</b> (Italy)</p> <p><b>Ideal Standard GmbH</b> (Germany)</p>	<p>€259 million on Trane Inc.</p> <p>€45.06 million jointly and severally on WABCO Europe and Trane Inc.</p> <p>€1.52 million jointly and severally on WABCO Austria GesmbH, WABCO Europe and Trane Inc.</p> <p>€0 on Ideal Standard France, WABCO Europe and Trane Inc.</p> <p>€12.32 million jointly and severally on Ideal Standard Italia Srl, WABCO Europe and Trane Inc.</p> <p>€5.58 million jointly and severally on Ideal Standard GmbH, WABCO Europe and Trane Inc.</p> <p>€0 on Ideal Standard Produktions-GmbH, WABCO Europe and Trane Inc.</p> <p>€2.61 million jointly and severally on WABCO Austria GesmbH and Trane Inc.</p>	<p>Fines reduced</p> <p>Trane Inc.: €92.66 million</p> <p>Jointly and severally on Wabco Europe and Trane Inc.: €15.82 million</p> <p>Jointly and severally on Ideal Standard Italia, Wabco Europe and Trane Inc.: €4.52 million</p>
<p><a href="#">T-386/10</a></p> <p><i>Dornbracht v Commission</i></p>	<p><b>Aloys F. Dornbracht GmbH &amp; Co. KG</b> (Germany)</p>	<p>€12.52 million</p>	<p>Action dismissed</p> <p>Fine upheld</p>
<p><a href="#">T-396/10</a></p> <p><i>Zucchetti Rubinetteria v Commission</i></p>	<p><b>Zucchetti Rubinetteria SpA</b> (Italy)</p>	<p>€4 million</p>	<p>Action dismissed</p> <p>Fine upheld</p>
<p><a href="#">T-408/10</a></p> <p><i>Roca Sanitario v Commission</i></p>	<p><b>Roca Sanitario, SA</b> (Spain)</p>	<p>€17.70 million jointly and severally with Laufen Austria and €6.70 million jointly and severally with Roca France</p>	<p>Fine imposed on joint and several basis with Roca France reduced: €6.298 million</p>
<p><a href="#">T-411/10</a></p> <p><i>Laufen Austria v Commission</i></p>	<p><b>Laufen Austria AG</b> (Austria)</p>	<p>€32 million, of which €17.70 million imposed on joint and several basis with Roca Sanitario and €14.30 million imposed on an individual basis</p>	<p>Action dismissed</p> <p>Fine upheld</p>
<p><a href="#">T-412/10</a></p> <p><i>Roca v Commission</i></p>	<p><b>Roca SARL</b> (France)</p>	<p>€6.70 million jointly and severally with Roca Sanitario SA (France)</p>	<p>Fine reduced: €6.298 million</p>

**NOTE:** An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

**NOTE:** An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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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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