

Press and Information Division

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Judgments of the Court of First Instance in Cases T-56/99, T-59/99, T-61/99, T-65/99 and T-66/99

*Marlines SA v Commission, Ventouris Group Enterprises SA v Commission, Adriatica di Navigazione SpA v Commission, Strintzis Lines Shipping SA v Commission, Minoan Lines SA v Commission*

**THE COURT OF FIRST INSTANCE CONFIRMS THE SUBSTANCE OF THE COMMISSION'S DECISION SANCTIONING ANTI-COMPETITIVE CARTELS IN THE GREECE-ITALY SHIPPING SECTOR**

*Fines imposed on Ventouris Group Enterprises SA and Adriatica di Navigazione SpA alone were reduced on the ground that the Commission's assessment of the gravity and duration of their infringements was incorrect.*

In 1992, following a complaint made by a passenger that prices on the various ferries operating crossings between Greece and Italy were very similar, the Commission opened an investigation into the activities of a number of companies providing passenger and freight transportation services on several lines between Greece and Italy. In a decision which it adopted in 1998, the Commission found that a series of agreements had been entered into and practices adopted with the aim of fixing the tariffs for:

- 1) roll-on roll-off ferry services between the ports of Patras (Greece) and Acona (Italy), and,
- 2) the transportation of goods vehicles on the routes between Patras and Bari (Italy) and Patras and Brindisi (Italy).

In its Decision, the Commission imposed fines totalling approximately nine million euros on seven companies involved in the infringement.

Five of the companies fined subsequently brought actions before the Court of First Instance<sup>1</sup> seeking annulment of the 1998 Decision and reductions in the fines.

**In the judgments which it delivered today the Court of First Instance confirmed the Commission's findings of fact.**

The Court rejected the arguments put forward by the shipping companies that the anti-competitive conduct at issue was imposed upon them by the Greek authorities: the companies had not lost all autonomy in defining their pricing policies. The Court also confirmed that the agreements in question **distorted competition in the common market** and found that the Commission had proved the existence of these agreements.

The Court of First Instance found that the Commission had not breached the principles governing the use of its powers in investigations and inquiries. The institution **had not exceeded its powers** by continuing with an inspection in premises which belonged to a company other than that to which the investigation decision was addressed. The Court took account of the fact that the premises were used by the addressee of the Decision for the purposes of its business and that they could be treated as the offices of the addressee of the Decision.

Moreover, the Court declared that the Commission **was entitled to impute** actions and initiatives taken by one company to another company with a different legal identity because the **two companies** in question were principal and commercial representative and formed **one and the same economic entity**.

The Court of First Instance nevertheless **reduced the fine** imposed by the Commission on two shipping companies, Ventouris and Adriatica. It found that the Commission had sanctioned two distinct infringements in its Decision – relating to different shipping routes – it could not, for reasons of equity and proportionality, deal equally strictly with undertakings found guilty of only one infringement (Ventouris and Adriatica, on the Patras to Bari and Patras to Brindisi lines) and undertakings which were involved in the cartels. The Court took into account **the specific weight of the undertakings** and of the **relative volume of traffic** on each of the lines affected.

The amounts of the fines as imposed by the Commission and as upheld by the Court of First Instance are set out in the following table.

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<sup>1</sup> Anek Lines and Karageorgis Lines, fined respectively EUR 1.11 million and EUR 1.0 million, did not bring an action.

<i>Case N°</i>	<i>Applicant</i>	<i>Amount of fine imposed by the Commission (EUR)</i>	<i>Court's finding (EUR)</i>
T-56/99	Marlines SA	260 000	Original fine maintained
T-59/99	Ventouris Group Enterprises SA	1 010 000	Fine reduced to 252 500
T-61/99	Adriatica di Navigazione SpA	980 000	Fine reduced to 245 000
T-65/99	Strintzis Lines Shipping SA	1 500 000	Original fine maintained
T-66/99	Minoan Lines SA	3 260 000	Original fine maintained

**Reminder:** An appeal against the decision of the CFI, limited to points of law, can be brought before the Court of Justice of the European Communities within two months of delivery.

*Unofficial document, for media use only, which does not bind the Court of First Instance.*

*Available languages: DE, EN, FR, GR, IT, ES.*

*The full text of the judgments can be found on the internet ([www.curia.eu.int](http://www.curia.eu.int))  
In principle they will be available from midday CET on the day of delivery.*

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