



General Court of the European Union

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Judgments in Case T-199/08 Ziegler SA, Joined Cases T-204/08 and T-212/08 Team Relocations NV, Amertranseuro International Holdings Ltd and Others, Joined Cases T-208/08 and T-209/08 Gosselin Group NV and Stichting Administratiekantoor Portielje, and Cases T-210/08 Verhuizingen Coppens NV and T-211/08 Putters International NV v Commission

Press and Information

## **The General Court essentially upholds the Commission's decision concerning a cartel on the international removals market in Belgium**

*However, it reduces the fine imposed on Gosselin from €3.28 million to €2.32 million and annuls the fine of €104 000 imposed on Verhuizingen Coppens*

By decision of 11 March 2008<sup>1</sup>, the Commission imposed fines totalling €32.76 million on ten undertakings for having participated, over various periods between October 1984 and September 2003, in a cartel on the international removal services market in Belgium. The cartel related to the direct or indirect fixing of prices, market sharing and the manipulation of the procedures for the submission of tenders, in particular by issuing false quotes ('cover quotes') to customers and through a compensation system for rejected offers.

Five companies, together with a number of their parent companies, requested the Court to annul the decision or reduce the amount of their respective fines: Team Relocations (fine of €3.49 million of which Trans Euro and Team Relocations Ltd were jointly and severally liable for €3 million and Amertranseuro, Trans Euro and Team Relocations Ltd jointly and severally liable for €1.3 million); Putters International (€395 000); Verhuizingen Coppens (€104 000); Gosselin Group (€3.28 million of which Stichting Administratiekantoor Portielje – the foundation which brings together its family shareholders – was jointly and severally liable for €270 000), and Ziegler (€9.2 million).

In today's judgments, in which it considers for the first time several issues concerning the interpretation of the new 2006 Guidelines on the method of setting fines<sup>2</sup>, the General Court rejects the arguments put forward by Team Relocations, Amertranseuro International, Putters International and Ziegler, and maintains the level of their fines.

However, as regards **Gosselin**, the Court considers that the Commission has only conclusively shown that it **participated in the infringement for 7 years and 6 months, and not for 10 years and 7 months as found by the Commission**. In order to take account of this, **the Court reduces the amount of the fine from €3.28 million to €2.32 million**.

As regards Stichting Administratiekantoor Portielje, the Court considers that it does not constitute an undertaking for the purposes of competition law, since the Commission has not shown that it involved itself directly or indirectly in Gosselin's management and that it was therefore engaged in an economic activity. In addition, the Commission erred in imputing Gosselin's liability to Stichting Administratiekantoor Portielje. That foundation has in fact adduced evidence to establish that it does not exert a decisive influence over Gosselin. Consequently, the Court annuls the Commission's decision and the fine imposed with regard to Stichting Administratiekantoor Portielje.

<sup>1</sup> Commission Decision C(2008) 926 final of 11 March 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/38.543 – International Removal Services). Subsequently, in its Decision C(2009) 5810 final of 24 July 2009, the Commission reduced the original amount of the fine imposed on Gosselin Group. Thus, the total amount of the fines imposed was reduced to EUR 31.54 million.

<sup>2</sup> The guidelines were considered for the first time by the General Court in Case [T-299/08 Elf Aquitaine v Commission](#) and Case [T-343/08 Arkema France v Commission](#). See also Press Release [49/11](#).

As regards **Verhuizingen Coppens**, the Court finds that it participated only in the agreement on cover quotes and that the Commission has not shown that the undertaking was aware of the subsequent anti-competitive conduct of the other undertakings. Therefore, **the Commission was not entitled to find that the undertaking had participated in a single and continuous infringement covering all the anti-competitive conduct**. Consequently, the Commission's decision is annulled with regard to the fine imposed on Verhuizingen Coppens.

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**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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