



Press and Information

General Court of the European Union  
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Judgment in Case T-72/09  
Pilkington Group Ltd and Others v Commission

## **The General Court upholds the Commission's decision concerning the Pilkington group's participation in the car glass cartel**

*It thus confirms the fine of €357 million imposed on Pilkington*

Pilkington Group consists, inter alia, of Pilkington Automotive, Pilkington Automotive Deutschland, Pilkington Holding and Pilkington Italia. They form one of the largest manufacturers of glass and glazing products in the world, in particular in the automobile sector.

By a decision of 12 November 2008, the Commission found that a number of companies, including Pilkington, had infringed EU competition law by participating in a set of agreements and concerted practices in the automotive glass sector. The infringement consisted in the allocation of the supply of car glass, aimed at maintaining an overall stability of the parties' position on the market concerned. In view of its participation from 10 March 1998 to 3 September 2002, the Commission initially imposed a fine of €370 million on Pilkington.<sup>1</sup> On 28 February 2013, the Commission reduced the fine to €357 million, in order to correct two errors made in the initial calculation.

Pilkington has asked the General Court to annul the decision and to reduce substantially the amount of the fine imposed on it.

In today's judgment, **the Court dismisses the action and confirms the Commission's decision.**

As regards Pilkington's arguments relating to the nature and duration of the infringement, the Court finds that the Commission was right to characterise the conduct of the members of the cartel as a single and continuous infringement aimed at maintaining overall stability of the participants' market shares. The Court also notes that Pilkington has not put forward any evidence capable of establishing that its participation in the meetings of the members of the cartel between 10 March 1998 and 15 January 1999 was without any anti-competitive intention and that it distanced itself publicly from what was discussed at those meetings.

As regards the calculation of the fine, the Court considers that the statements made in the contested decision enabled Pilkington to understand the factors on the basis of which the Commission examined the gravity and the duration of the infringement, as well as the method of calculation used in order to set the amount of the fine. Despite the fact that the fine is one of the largest ever imposed on a participant in a cartel, the Commission observed the general principles of law, which include the principles of equal treatment and of proportionality. The Commission did not overstate Pilkington's participation in the cartel and correctly applied EU law in converting that undertaking's turnover (denominated in pounds sterling) into euros in order to verify that the fine imposed did not exceed the ceiling of 10% of its turnover in the preceding business year.

Lastly, as regards Pilkington's claims that the Court should exercise its unlimited jurisdiction by reducing the fine, the Court considers that, in the light of all the circumstances of the case, the fine appears proportionate and adequate.

<sup>1</sup> Commission Decision C(2008) 6815 final of 12 November 2008 relating to a proceeding pursuant to Article 81 [EC] and Article 53 of the EEA Agreement (COMP/39.125 — Carglass), as amended by Commission Decision C(2009) 863 final of 11 February 2009 and also by Commission Decision C(2013) 1119 final of 28 February 2013.

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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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*Unofficial document for media use, not binding on the General Court.*

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

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