



Press and Information

General Court of the European Union

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Judgment in Joined Cases T-379/10 RENV
Keramag Keramische Werke GmbH and Others v Commission and
T-381/10 RENV Sanitec Europe Oy v Commission

The General Court upholds the fine of €57 million imposed on Sanitec Europe and its subsidiaries in the context of the cartel on the bathroom fixtures and fittings market

By decision of 23 June 2010,¹ 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 anticompetitive meetings over various periods between 16 October 1992 and 9 November 2004 in the following Member States: Belgium, Germany, France, Italy, the Netherlands and Austria. 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.

A number of the companies penalised by the Commission brought actions before the General Court seeking annulment of the Commission's decision and/or reduction of the fines. By judgments of 16 September 2013,² the General Court (i) dismissed the actions brought by certain of those companies³ and (ii) partly annulled the Commission's decision with regard to the other companies and, in some cases, reduced or even annulled the fines imposed on them.⁴ As regards, in particular, the fines in the amount of €57.69 million imposed on the company Sanitec Europe and its subsidiaries at the time (namely, the companies Keramag Keramische Werke, Koralle Sanitärprodukte, Koninklijke Sphinx, Allia, Produits Céramiques de Touraine and Pozzi Ginori), the General Court annulled the fines of €7.11 million imposed on Allia and Produits Céramiques de Touraine and consequently reduced the amount of the fines jointly and severally payable by the Sanitec group (that amount thus passing from €57.69 to €50.58 million).

The Commission appealed before the Court of Justice against the General Court's judgment relating to Sanitec Europe and its subsidiaries. The Court of Justice, by judgment of 26 January 2017,⁵ set aside that judgment in part and referred the cases back to the General Court for judgment. In essence, the Court of Justice found that, with regard to the question of Allia and Produits Céramiques de Touraine's participation in the cartel on prices of ceramics, the General Court had infringed the obligation to state reasons and the rules applicable to the taking and

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

² Cases: [T-364/10](#), [T-368/10](#), [T-373/10](#), [T-374/10](#), [T-382/10](#) and [T-402/10](#), [T-375/10](#), [T-376/10](#), [T-378/10](#), [T-380/10](#), [T-386/10](#), [T-379/10](#) and [T-381/10](#), [T-396/10](#), [T-408/10](#), [T-411/10](#), [T-412/10](#), see Press Release No [108/13](#).

³ Namely, Masco (United States), Mamoli Rubinetteria (Italy), Zucchetti Rubinetteria (Italy), Rubinetteria Cital (Italy), Aloys F. Dornbracht (Germany), Hansa Metallwerke and Others (Germany), Laufen Austria (Austria), Villeroy & Boch Austria (Austria), Villeroy et Boch (France) and Villeroy & Boch — Belgium (Belgium).

⁴ Namely, Keramag Keramische Werke (Germany), Koralle Sanitärprodukte (Germany), Koninklijke Sphinx (Netherlands), Allia (France), Produits Céramiques de Touraine (PCT, France), Pozzi Ginori (Italy), Sanitec Europe (Finland), Wabco Europe (Belgium), Wabco Austria (Austria), Trane (United States), Ideal Standard Italia (Italy), Ideal Standard (Germany), Roca Sanitario (Spain), Roca (France), Villeroy & Boch (Germany), Duravit (Germany, France and Belgium).

⁵ Case: [C-613/13 P](#) Commission v Keramag Keramische Werke and Others, see also Press Release No [8/17](#).

appraisal of evidence by failing, inter alia, to carry out a complete examination of the Commission's decision and of the evidence, to examine the probative value of certain evidence mentioned in the Commission's decision and to ascertain whether the evidence, viewed as a whole, could be mutually supporting.

In today's judgment, the General Court reassesses, in accordance with the judgment of the Court of Justice of 26 January 2017, the probative value of the evidence relating to Allia and Produits Céramiques de Touraine's participation in the cartel on prices of ceramics in France.

In that reassessment, the General Court revisits the analysis undertaken in its judgment of 16 September 2013. It considers that, taken as a whole, the pieces of evidence submitted to it for assessment demonstrate that Allia and Produits Céramiques de Touraine did participate in the alleged cartel.

The General Court thus recognises that the Commission was fully entitled to impose fines of €7.11 million on Allia and Produits Céramiques de Touraine. The General Court ultimately upholds the fine of €57.69 million imposed on the Sanitec group.

Bathroom fixtures and fittings cartel — Table summarising the fines imposed on the Sanitec group

<u>Companies</u>	<u>Fines imposed by the Commission</u>	<u>Decision of the General Court</u>	<u>Decision of the Court of Justice</u>	<u>Decision of the General Court after referral of the case back to it</u>
Keramag Keramische Werke (Germany)	€9.87 million on Sanitec Europe	Annulment in part	Judgment set aside	Action dismissed
Koralle Sanitärprodukte (Germany)	€26.07 million jointly and severally on Keramag and Sanitec Europe	Fines imposed on Allia and PCT annulled	Case referred back to the General Court	Fines upheld as imposed by the Commission originally
Koninklijke Sphinx (Netherlands)	€1.40 million jointly and severally on Sphinx and Sanitec Europe	Amount of the fine imposed jointly and severally limited to €50.58 million instead of €57.69 million	C-613/13 P	T-379/10 RENV T-381/10 RENV
Allia (France)	€4.58 million jointly and severally on Allia and Sanitec Europe			
Produits Céramiques de Touraine (PCT, France)	€2.53 million jointly and severally on PCT, Allia and Sanitec Europe	T-379/10 T-381/10		
Pozzi Ginori (Italy)	€4.52 million jointly and severally on Pozzi Ginori and Sanitec Europe			
Sanitec Europe (Finland)	€5.23 million jointly and severally on Koralle and Sanitec Europe			
	€3.50 million on Koralle			

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 EU 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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