

Second ground: contradictory reasoning; the assessment of the evidence is in direct contradiction with that in three other judgments delivered the same day relating to the same decision and the same facts.

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**Appeal brought on 4 December 2013 by Roca Sanitario, S.A. against the judgment of the General Court (Fourth Chamber) delivered on 16 September 2013 in Case T-408/10 Roca Sanitario v Commission**

**(Case C-636/13 P)**

(2014/C 52/50)

*Language of the case: Spanish*

#### Parties

*Appellant:* Roca Sanitario, S.A. (represented by: J. Folguera Crespo, abogado)

*Other party to the proceedings:* European Commission

#### Form of order sought

The appellant claims that the Court should:

- uphold the arguments put forward by Roca Sanitario, S.A. in the present case;
- set aside in part the judgment of the General Court of 16 September 2013 in Case T-408/10; and accordingly,
- uphold Roca Sanitario's claims by reducing the fine imposed on it jointly and severally with its subsidiaries Roca France and Laufen Austria;
- in the alternative, since Roca Sanitario did not participate directly in the infringement and its liability arises purely from the attribution to it of its subsidiaries' conduct, in the event that the Court rules on the parallel appeals which Laufen Austria and Roca France intend to bring against the judgments of the General Court of 16 September 2013 in Cases T-411/10 and T-412/10 and reduces the fine imposed on those subsidiaries jointly and severally with Roca Sanitario, apply an equivalent reduction of the fine to Roca Sanitario, in accordance with the principles established in paragraph 203 of the judgment under appeal;
- order the Commission to pay the costs incurred by Roca Sanitario in the present case, as well as those incurred in Case T-408/10 in so far as the same grounds are concerned.

#### Grounds of appeal and main arguments

1. **First ground of appeal**, alleging an erroneous application of Article 23(2) of Regulation No 1/2003 <sup>(1)</sup> and of the principles of proportionality and individual liability in relation to the fine imposed jointly and severally on Roca Sanitario, S.A. with its subsidiary Laufen Austria, AG.

2. **Second ground of appeal**, alleging error of law in the application of the case-law of the Court of Justice of the European Union and breach of the principles of equal treatment and proportionality, of the principle that reasons must be stated and of the principle of the protection of legitimate expectations in the application of the Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation (EC) No 1/2003. <sup>(2)</sup>

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<sup>(1)</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles [101 TFEU] and [102 TFEU] (OJ 2003 L 1, p.1).

<sup>(2)</sup> OJ 2006 C 210, p. 2

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**Appeal brought on 4 December 2013 by Laufen Austria AG against the judgment of the General Court (Fourth Chamber) delivered on 16 September 2013 in Case T-411/10 Laufen Austria v Commission**

**(Case C-637/13 P)**

(2014/C 52/51)

*Language of the case: Spanish*

#### Parties

*Appellant:* Laufen Austria AG (represented by: E. Navarro Varona, abogada)

*Other party to the proceedings:* European Commission

#### Form of order sought

The appellant claims that the Court should:

- uphold the arguments put forward by Laufen Austria AG in the present case;
- set aside in part the judgment of the General Court of 16 September 2013 in Case T-411/10;
- uphold Laufen Austria AG's claims by reducing the fine imposed on it;
- order the Commission to pay the costs incurred by Laufen Austria AG in the present case, as well as those incurred in Case T-411/10 in so far as the same grounds are concerned.

#### Grounds of appeal and main arguments

1. **First ground of appeal**, alleging an erroneous application of Article 23(2) of Regulation No 1/2003 <sup>(1)</sup> and of the principles of proportionality and individual liability in relation to the fine imposed individually on Laufen Austria, AG for the infringement committed prior to its acquisition by Roca Sanitario, S.A.