
EU Litigation Practice Obtains Successful Cartel Conduct Ruling

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WilmerHale's EU litigation practice earned a successful victory on November 12, 2014, for clients Guardian Industries and Guardian Europe (Guardian) in a court ruling that granted a notable reduction in cartel conduct fines.

A year ago, WilmerHale obtained one of the largest fine reductions ever granted by the EU courts in a cartel case, when the EU General Court slashed the fine on client Wabco by some €205 million. Today, the Court on Justice of the EU set aside a 2012 judgment by the EU General Court, which had refused Guardian any reduction of their fine for alleged participation in the Flat Glass Cartel.

"We are delighted by the Court's ruling which is a significant result for our client," said WilmerHale Partner Frédéric Louis. "Arguing cartel cases before the Court of Justice is a challenge since winning means arguing the law, but cartel allegations are all about the facts. It is a noteworthy outcome and we look forward to continuing successful representations in future cases."

The Court of Justice ruled that the way the fines had been calculated in this case discriminated against Guardian and inflated its importance in comparison to other cartel participants. In a rare move, the Court of Justice recalculated Guardian's fines and set it at €103.6 million, a reduction of €44.4 million of the €148 million originally imposed by the Commission in 2007. On top of the principal amount of €44.4 million, the Commission will have to pay Guardian interest on this amount, in itself a substantial amount since court proceedings took close to seven years, a duration which the Court of Justice acknowledged was excessive. The Commission has also been ordered to bear half of Guardian's legal costs during the seven-year proceedings.

The WilmerHale team included Partners [Frédéric Louis](#) and [Hans-Georg Kamann](#), Special Counsel [Cormac O'Daly](#) and former Partner Sven Völcker, with assistance from former Partner Christofer Eggers and Counsel [Peter Gey](#), who worked on the administrative investigation by the Commission while at Mayer Brown.

Prior to the Wabco victory, in 2011, Louis obtained the total annulment of fines imposed on client Solvay for alleged cartel and abuse of dominance conduct. Kamann currently represents the European Central Bank in landmark litigation, challenging their powers to intervene to support the

euro currency. Combined, Louis and Kamann have represented clients in over 70 cases before the EU courts, located in Luxembourg. They both are among the few lawyers to have appeared before the Grand Chamber of the Court of Justice (special 15-judge formation); Louis has also appeared before the Grand Chamber of the EU General Court.