

**Judgment of the Court of First Instance of 6 May 2009 —
KME Germany and Others v Commission**

(Case T-127/04) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market for copper industrial tubes — Decision finding an infringement of Article 81 EC — Price-fixing and market-sharing — Fines — Actual impact on the market — Size of the market concerned — Duration of the infringement — Attenuating circumstances — Cooperation)

(2009/C 153/62)

Language of the case: English

Parties

Applicants: KME Germany AG, formerly KM Europa Metal AG (Osnabruck, Germany); KME France SAS, formerly Tréfinmétaux SA (Courbevoie, France); and KME Italy SpA, formerly Europa Metalli SpA (Florence, Italy) (represented by: M. Siragusa, A. Winckler, G.C. Rizza, T. Graf and M. Piergiovanni, Lawyers)

Defendant: Commission of the European Communities (represented by: É. Gippini Fournier, Agent, assisted by C. Thomas, Solicitor)

Re:

(1) Application for annulment or reduction of the fines imposed on the applicants by Article 2(c)(d) and (e) of Commission Decision C(2004) 4820 final of 16 December 2003 relating to a proceeding pursuant to Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-1/38.240 Industrial tubes); and (2) Counterclaim by the Commission that the amount of those fines be increased

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders KME Germany AG, KME France SAS and KME Italy SpA to pay the costs

⁽¹⁾ OJ C 146, 29.5.2004.

**Judgment of the Court of First Instance of 7 May 2009 —
NVV and Others v Commission**

(Case T-151/05) ⁽¹⁾

(Competition — Concentrations — Markets for the purchase of live pigs or sows for slaughter — Decision declaring the concentration compatible with the common market — Definition of the relevant geographic market — Duty of care — Duty to state reasons)

(2009/C 153/63)

Language of the case: Dutch

Parties

Applicants: Nederlandse Vakbond Varkenshouders (NVV) (Lunteren, Netherlands); Marius Schep (Lopik, Netherlands); and Nederlandse Bond van Handelaren in Vee (NBHV) (The Hague, Netherlands) (represented by: initially, J. Kneppelhout and M. van der Kaden and, subsequently, J. Kneppelhout, lawyers)

Defendant: Commission of the European Communities (represented by: initially, A. Whelan and S. Noë and, subsequently, A. Bouquet and S. Noë, Agents)

Intervener in support of the defendant: Sovion NV (Best, Netherlands) (represented by: J. de Pree and W. Geursen, lawyers)

Re:

Annulment of the Commission decision of 21 December 2004 declaring a concentration compatible with the common market and with the EEA Agreement (Case No COMP/M.3605 — Sovion/HMG)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Nederlandse Vakbond Varkenshouders (NVV), Marius Schep and Nederlandse Bond van Handelaren in Vee (NBHV) to bear their own costs and to pay those incurred by the Commission and by Sovion NV.

⁽¹⁾ OJ C 171, 9.7.2005.