

GENERAL COURT

Judgment of the General Court of 14 March 2013 — Fresh Del Monte Produce v Commission(Case T-587/08) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market in bananas — Decision finding an infringement of Article 81 EC — Information exchange system — Concept of a concerted practice having an anti-competitive object — Causal link between the collusion and the conduct of the undertakings on the market — Single infringement — Imputation of the infringement — Rights of the defence — Fines — Gravity of the infringement — Cooperation — Mitigating circumstances)

(2013/C 123/24)

Language of the case: English

Parties

Applicant: Fresh Del Monte Produce, Inc. (George Town, Cayman Islands, United Kingdom) (represented by: initially B. Meyring, lawyer, and E. Verghese, Solicitor, and subsequently by B. Meyring)

Defendant: European Commission (represented by: initially M. Kellerbauer, A. Biolan and X. Lewis, and subsequently by M. Kellerbauer, A. Biolan and P. Van Nuffel, Agents,)

Intervener in support of the applicant: Internationale Fruchtimport Gesellschaft Weichert GmbH & Co. KG (Hamburg, Germany) (represented by: A. Rinne, lawyer, C. Humpe and S. Kon, Solicitors, and C. Vajda QC)

Re:

Application for annulment of Commission Decision C(2008) 5955 of 15 October 2008 relating to a proceeding under Article 81 [EC] (Case COMP/39.188 — Bananas) and, in the alternative, for a reduction of the fine

Operative part of the judgment

The Court:

1. Sets the amount of the fine imposed under Article 2(c) of Commission Decision C(2008) 5955 of 15 October 2008 relating to a proceeding under Article 81 [EC] (Case COMP/39.188 — Bananas) at EUR 8.82 million;
2. Dismisses the action as to the remainder;
3. Orders Fresh Del Monte Produce, Inc. to bear its own costs and to pay three quarters of the costs incurred by the European Commission, and the Commission to bear one quarter of its own costs;

4. Orders Internationale Fruchtimport Gesellschaft Weichert GmbH & Co. KG to bear its own costs.

⁽¹⁾ OJ C 44, 21.2.2009.**Judgment of the General Court of 14 March 2013 — Dole Food and Dole Germany v Commission**(Case T-588/08) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market in bananas — Decision finding an infringement of Article 81 EC — Concept of a concerted practice having an anti-competitive object — Information exchange system — Obligation to state the reasons on which the decision is based — Rights of the defence — Guidelines on the method of setting fines — Gravity of the infringement)

(2013/C 123/25)

Language of the case: English

Parties

Applicants: Dole Food Company, Inc. (Westlake Village, California, United States); and Dole Germany OHG (Hamburg, Germany) (represented by: J.-F. Bellis, lawyer)

Defendant: European Commission (represented: initially by X. Lewis and M. Kellerbauer, and subsequently by M. Kellerbauer and P. Van Nuffel, Agents)

Re:

Application for annulment of Commission Decision C(2008) 5955 final of 15 October 2008 relating to a proceeding under Article 81 EC (Case COMP/39.188 — Bananas)

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Dole Food Company, Inc. and Dole Germany OHG to pay the costs.

⁽¹⁾ OJ C 44, 21.2.2009.