

*Defendant:* European Commission (represented by: F. Castillo de la Torre, N. von Lingen and A. Tokár, acting as Agents)

*Intervener in support of the applicant:* Slovak Republic (represented by: B. Ricziová, acting as Agent)

**Re:**

Application for annulment of Commission Decision C(2009) 5791 final of 22 July 2009 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39.396 — Calcium carbide and magnesium based reagents for the steel and gas industries), in so far as it concerns the applicant, and, in the alternative, cancellation or a reduction of the fine imposed on the applicant by that decision.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Novácke chemické závody a.s. to bear its own costs and to pay those incurred by the European Commission;*
3. *Orders the Slovak Republic to bear its own costs.*

(<sup>1</sup>) OJ C 267, 7.11.2009.

**Judgment of the General Court (Third Chamber) of 12 December 2012 — 1. garantovaná v Commission**

(Case T-392/09) (<sup>1</sup>)

*(Competition — Agreements, decisions and concerted practices — Market for calcium carbide and magnesium for the steel and gas industries in the EEA, with the exception of Ireland, Spain, Portugal and the United Kingdom — Decision finding an infringement of Article 81 EC — Price-fixing and market-sharing — Imputability of the unlawful conduct — Fines — Ceiling of 10 % of turnover — Relevant turnover — Rights of the defence — Obligation to state reasons — Proportionality — 2006 Guidelines on the method of setting fines — Ability to pay)*

(2013/C 32/23)

*Language of the case:* English

**Parties**

*Applicant:* 1. garantovaná a.s. (Bratislava, Slovakia) (represented initially by: M. Powell, Solicitor, A. Sutton and G. Forwood, Barristers, and subsequently by M. Powell, G. Forwood, M. Staroň and P. Hodál, lawyers)

*Defendant:* European Commission (represented by: J. Bourke, N. von Lingen and A. Tokár, acting as Agents)

**Re:**

Application for annulment of Commission Decision C(2009) 5791 final of 22 July 2009 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement

(Case COMP/39.396 — Calcium carbide and magnesium based reagents for the steel and gas industries), in so far as it concerns the applicant, and, in the alternative, a reduction of the fine imposed on the applicant by that decision.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders 1. garantovaná a.s. to pay the costs.*

(<sup>1</sup>) OJ C 297, 5.12.2009.

**Judgment of the General Court of 12 December 2012 — Ecka Granulate and non ferrum Metallpulver v European Commission**

(Case T-400/09) (<sup>1</sup>)

*(Competition — Cartels — Market in calcium carbide and magnesium for the steel and gas industries in the EEA, with the exception of Ireland, Spain, Portugal and the United Kingdom — Decision finding an infringement of Article 81 EC — Price fixing and market sharing — Fines — Principle of the legality of criminal offences and penalties — 2006 guidelines for the calculation of the amount of fines — Mitigating circumstances — Cooperation during the administrative procedure — Proportionality — Ability to pay)*

(2013/C 32/24)

*Language of the case:* German

**Parties**

*Applicants:* Ecka Granulate GmbH & Co. KG (Fürth, Germany); non ferrum Metallpulver GmbH & Co. KG (St. Georgen bei Salzburg, Austria) (represented initially by: H. Janssen and M. Franz, and subsequently by: H. Janssen and P. Homann, lawyers)

*Defendant:* European Commission (represented by: A. Antoniadis, K. Mojzesowicz and N. von Lingen, acting as Agents)

*Intervener in support of the defendant:* Council of the European Union (represented by: M. Simm and G. Kimberley, acting as Agents)

**Re:**

Action for annulment of Commission Decision C(2009) 5791 final of 22 July 2009 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39.396 — Calcium carbide and magnesium based reagents for the steel and gas industries), in so far as it concerns the applicants and, in the alternative, reduction of the fine imposed on the applicants in that decision

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*