

First Instance (Fourth Chamber), composed of: M. Vilaras, President, V. Tiili and P. Mengozzi, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on, in which it:

1. Dismisses the action;
2. Orders Kyowa Hakko Kogyo Co. Ltd and Kyowa Hakko Europe GmbH to bear their own costs and, jointly and severally, to pay those incurred by the Commission.

(¹) OJ C 316 of 04.11.2000.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 9 July 2003

in Case T-224/00: Archer Daniels Midland Company and Archer Daniels Midland Ingredients Ltd v Commission of the European Communities (¹)

(Competition — Cartel — Lysine — Guidelines on the method of setting fines — Applicability — Gravity and duration of the infringement — Turnover — Aggravating circumstances — Mitigating circumstances — Cooperation during the administrative procedure — Concurrent sanctions)

(2003/C 213/53)

(Language of the case: English)

In Case T-224/00, Archer Daniels Midland Company, established in Decatur, Illinois (United States of America), Archer Daniels Midland Ingredients Ltd, established in Erith (United Kingdom), represented by L. Martin Alegi and E.W. Batchelor, solicitors, with an address for service in Luxembourg, v Commission of the European Communities (Agents: W. Wils, R. Lyal and J. Flynn): Application for partial annulment of Commission Decision 2001/418/EC of 7 June 2000 relating to a proceeding pursuant to Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/36.545/F3 — Amino Acids) (OJ 2001 L 152, p. 24) or a reduction in the fine imposed on the applicants, and counterclaim by the Commission for an increase in the amount of that fine, the Court of First Instance (Fourth Chamber), composed of: M. Vilaras, President, V. Tiili and P. Mengozzi, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 9 July 2003, in which it:

1. Sets the amount of the fine imposed on Archer Daniels Midland Company and Archer Daniels Midland Ingredients Ltd jointly and severally at EUR 43 875 000;
2. Dismisses the remainder of the application;
3. Orders Archer Daniels Midland Company and Archer Daniels Midland Ingredients Ltd to bear their own costs and to pay three quarters of the Commission's costs and orders the Commission to bear one quarter of its own costs.

(¹) OJ C 316 of 4.11.2000.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 9 July 2003

in Case T-230/00: Daesang Corp. and Sewon Europe GmbH v Commission of the European Communities (¹)

(Competition — Cartel — Lysine — Guidelines on the method of setting fines — Turnover — Mitigating circumstances — Cooperation during the administrative procedure)

(2003/C 213/54)

(Language of the case: English)

In Case T-230/00, Daesang Corp., established in Seoul (South Korea), Sewon Europe GmbH, established in Eschborn (Germany), represented by J.-F. Bellis and S. Reinart, lawyers, and A. Kmiecik, solicitor, with an address for service in Luxembourg, v Commission of the European Communities (Agents: W. Wils, R. Lyal and J. Flynn): Application for a reduction in the fine imposed on the applicants by Commission Decision 2001/418/EC of 7 June 2000 relating to a proceeding pursuant to Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/36.545/F3 — Amino Acids) (OJ 2001 L 152, p. 24), the Court of First Instance (Fourth Chamber), composed of: M. Vilaras, President, V. Tiili and P. Mengozzi, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 9 July 2003, in which it:

1. Sets the amount of the fine imposed on Daesang Corp. and Sewon Europe GmbH jointly and severally at EUR 7 128 240;

2. *Dismisses the remainder of the application;*
3. *Orders Daesang Corp. and Sewon Europe GmbH to bear their own costs and, jointly and severally, to pay two thirds of the Commission's costs and orders the Commission to bear one third of its own costs.*

(¹) OJ C 316 of 4.11.2000.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 8 July 2003

in Case T-374/00: Verband der freien Rohrwerke eV and Others v Commission of the European Communities (¹)

(Control of concentrations — Concentration covered partly by the ECSC Treaty and partly by the EC Treaty — Decision to authorise on the basis of Article 66(2) CS — Decision declaring compatibility with the common market on the basis of Article 6(1)(b) of Regulation (EEC) No 4064/89 — Conditions for admissibility under the ECSC Treaty and the EC Treaty — Relationship between the rules on control of concentrations laid down in the ECSC Treaty and the EC Treaty — Duty to state reasons — Erroneous assessment)

(2003/C 213/55)

(Language of the case: German)

In Case T-374/00: Verband der freien Rohrwerke eV, established in Düsseldorf (Germany), Eisen- und Metallwerke Ferndorf GmbH, established in Kreuztal-Ferndorf (Germany), Rudolf Flender GmbH & Co. KG, established in Siegen (Germany), represented by H. Hellmann, lawyer, against Commission of the European Communities (Agents: W. Mölls and W. Wils), supported by Mannesmann AG, established in Düsseldorf, represented by K. Moosecker and P. Niggemann, lawyers, and by Salzgitter AG, established in Salzgitter (Germany), represented by J. Sedemund and T. Lübbig, lawyers — application for annulment of Decision COMP/M.2045 of 5 September 2000 and Decision COMP/ECSC.1336 of 14 September 2000, by which the Commission authorised, on the basis of, respectively, Article 6(1)(b) of Regulation (EEC) No 4064/89 and Article 66(2) CS, the acquisition by Salzgitter of control of Mannesmannröhren-Werke — the Court of First

Instance (Third Chamber), composed of K. Lenaerts, President, J. Azizi and M. Jaeger, Judges; Registrar: D. Christensen, Administrator, has given a judgment on 8 July 2003, in which it:

1. *Declared the application to be inadmissible in so far as it seeks annulment of Decision COMP/ECSC.1336 of 14 September 2000;*
2. *Declared the application to be admissible but unfounded in so far as it seeks annulment of Decision COMP/M.2045 of 5 September 2000;*
3. *Ordered the applicants to bear their own costs and to pay those incurred by the Commission and by Salzgitter and Mannesmann.*

(¹) OJ No C 61 of 24.2.01.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 9 July 2003

in Case T-22/01 Petros Efthymiou v Commission of the European Communities (¹)

(Officials — Repayment of mission expenses — Business class air travel)

(2003/C 213/56)

(Language of the case: French)

In Case T-22/01 Petros Efthymiou, an official of the Commission of the European Communities, residing in Luxembourg, represented by J.-N. Louis and V. Peere, avocats, with an address for service in Luxembourg, against Commission of the European Communities (Agents: C. Berardis-Kayser and H. Tserepa-Lacombe), — application for annulment of the Commission's decision of 24 March 2000 making three 'supplementary amendments' to mission expense accounts and charging to the applicant the sums overclaimed and, in addition, a request that the Commission should be ordered to repay to the applicant the amounts deducted from his remuneration by way of sums overclaimed, — the Court of First Instance (Fourth Chamber), composed of V. Tiili, President, and P. Mengozzi and M. Vilaras, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 9 July 2003, in which it:

1. *Annuls the Commission's decision of 24 March 2003 making three 'supplementary amendments' to mission expense accounts and charging to the applicant the sums overclaimed inasmuch*