

Judgment of the Court of First Instance of 30 September 2009 — Elf Aquitaine v Commission

(Case T-174/05) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Monochloroacetic acid market — Decision finding an infringement of Article 81 EC — Market sharing and price fixing — Rights of the defence — Obligation to state the reasons on which the decision is based — Imputability of the infringement — Principle that penalties must fit the offence — Principle that penalties must have a proper legal basis — Presumption of innocence — Principle of sound administration — Principle of legal certainty — Misuse of powers — Fines)

(2009/C 282/66)

Language of the case: French

Parties

Applicant: Elf Aquitaine SA (Courbevoie, France) (represented by: É. Morgan de Rivery and É. Friedel, lawyers)

Defendant: Commission of the European Communities (represented by: initially A. Bouquet and F. Amato and subsequently by A. Bouquet and X. Lewis, Agents)

Re:

Principally, annulment of Articles 1(d), 2(c), 3 and 4(9) of Commission Decision C(2004) 4876 final of 19 January 2005 relating to a proceeding pursuant to Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-1/37.773 — MCAA) or, in the alternative, application for annulment of Article 2(c) of that decision, or, in the further alternative, application for variation of the said Article 2(c)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Elf Aquitaine SA to pay the costs.

⁽¹⁾ OJ C 171, of 9.7.2005.

Judgment of the Court of First Instance of 30 September 2009 — Akzo Nobel and Others v Commission

(Case T-175/05) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market for monochloroacetic acid — Decision finding an infringement of Article 81 EC — Action for annulment — Admissibility — Market sharing and price fixing — Attributability of the infringement — Fines — Obligation to state the reasons on which the decision is based — Gravity and duration of the infringement — Deterrent effect)

(2009/C 282/67)

Language of the case: English

Parties

Applicants: Akzo Nobel NV (Arnhem, Netherlands); Akzo Nobel Nederland BV (Arnhem); Akzo Nobel AB (Stockholm, Sweden); Akzo Nobel Chemicals BV (Amersfoort, Netherlands); Akzo Nobel Functional Chemicals BV (Amersfoort); Akzo Nobel Base Chemicals AB (Skoghall, Sweden); and Eka Chemicals AB (Bohus, Sweden) (represented initially by C. Swaak and A. Käyhkö, and subsequently by C. Swaak and M. van der Woude, lawyers)

Defendant: Commission of the European Communities (represented initially by P. Hellström and F. Amato, and subsequently by A. Bouquet and X. Lewis, Agents)

Re:

Application, principally, for annulment of Commission Decision C(2004) 4876 final of 19 January 2005 relating to a proceeding pursuant to Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-1/37.773 — MCAA) and, in the alternative, reduction of the fine imposed on the applicants.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Akzo Nobel NV, Akzo Nobel Nederland BV, Akzo Nobel AB, Akzo Nobel Chemicals BV, Akzo Nobel Functional Chemicals BV, Akzo Nobel Base Chemicals AB and Eka Chemicals AB to pay the costs.

⁽¹⁾ OJ C 171, 9.7.2005.