

2. Reduces the amount of the fine imposed on Sasol Wax GmbH to the sum of EUR 149 982 197 for the payment of which, first, Sasol Wax International AG shall be jointly and severally liable to the extent of EUR 119 122 197 and, secondly, Sasol and Sasol Holding in Germany shall be jointly and severally liable to the extent of EUR 71 042 197;
3. Dismisses the action as to the remainder;
4. Orders the Commission to bear its own costs and to pay two thirds of the costs incurred by Sasol, Sasol Holding in Germany, Sasol Wax International and Sasol Wax;
5. Orders Sasol, Sasol Holding in Germany, Sasol Wax International and Sasol Wax to bear one third of their own costs.

⁽¹⁾ OJ C 44, 21.2.2009.

Judgment of the General Court of 11 July 2014 — RWE and RWE Dea v Commission

(Case T-543/08) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Paraffin waxes market — Slack wax market — Decision finding an infringement of Article 81 EC — Price fixing and market sharing — Liability of a parent company for the infringements of the competition rules committed by its subsidiary and by a joint venture owned in part by it — Decisive influence exercised by the parent company — Presumption where the parent company holds 100 % of the shares — Succession of undertakings — Proportionality — Equal treatment — 2006 Guidelines on the method of setting fines — Unlimited jurisdiction)

(2014/C 292/30)

Language of the case: German

Parties

Applicants: RWE AG (Essen, Germany); and RWE Dea AG (Hamburg, Germany) (represented by: C. Stadler, M. Röhrig and S. Budde, lawyers)

Defendant: European Commission (represented by: A. Antoniadis and R. Sauer, Agents)

Re:

Application, primarily, for annulment of Articles 1 and 2 of Commission decision C(2008) 5476 final of 1 October 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39.181 — Candle waxes), in so far as it concerns the applicants, and, in the alternative, for the reduction of the fine imposed on them.

Operative part of the judgment

The Court:

1. Annuls Article 1 of Commission Decision C(2008) 5476 final of 1 October 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39.181 — Candle Waxes) in so far as the European Commission found therein that RWE AG and RWE Dea AG had participated in the infringement after 2 January 2002;
2. Sets the amount of the fine imposed on RWE and RWE Dea at EUR 35 888 562;
3. Dismisses the action as to the remainder;

4. Orders the Commission to bear one fifth of its own costs and to pay one fifth of the costs incurred by RWE and RWE Dea. RWE and RWE Dea shall bear four fifths of their own costs and pay four fifths of the Commission's costs.

⁽¹⁾ OJ C 55, 7.3.2009.

Judgment of the General Court of 17 July 2014 — Westfälisch-Lippischer Sparkassen- und Giroverband v Commission

(Case T-457/09) ⁽¹⁾

(State aid — Restructuring of WestLB — Aid to remedy a serious disturbance in the economy of a Member State — Article 87(3)(b) EC — Decision declaring the aid compatible with the common market under certain conditions — Action for annulment — Individual concern — Legal interest in bringing proceedings — Admissibility — Collegiality — Obligation to state reasons — Guidelines on State aid for rescuing and restructuring firms in difficulty — Proportionality — Principle of non-discrimination — Article 295 EC — Article 7(4) of Regulation (EC) No 659/1999)

(2014/C 292/31)

Language of the case: German

Parties

Applicant: Westfälisch-Lippischer Sparkassen- und Giroverband (Münster, Germany) (represented initially by A. Rosenfeld and I. Liebach, and subsequently by A. Rosenfeld and O. Corzilius, lawyers)

Defendant: European Commission (represented initially by L. Flynn, K. Gross and B. Martenczuk, and subsequently by L. Flynn, B. Martenczuk and T. Maxian Rusche, acting as Agents)

Re:

Action for the annulment of Commission Decision 2009/971/EC of 12 May 2009 on State aid C 43/2008 (ex N 390/2008) which Germany proposes to grant towards the restructuring of WestLB AG (OJ 2009 L 345, p. 1).

Operative part of the judgment

The Court:

1. Rejects the Commission's request for a declaration that there is no need to adjudicate;
2. Dismisses the action;
3. Orders Westfälisch-Lippischer Sparkassen- und Giroverband to bear its own costs and to pay those incurred by the Commission, including the costs relating to the interim proceedings.

⁽¹⁾ OJ C 11, 16.1.2010.