Judgment of the Court of First Instance of 29 November 2005 — SNCZ v Commission

(Case T-52/02) [1]

(Competition — Article 81 EC — Cartel — Zinc phosphate market — Fine — Article 15(2) of Regulation No 17 — Principles of proportionality and equal treatment — Action for annulment)

(2006/C 36/61)

Language of the case: French

Parties

Applicant(s): Société nouvelle des couleurs zinciques SA (SNCZ) (Bouchain, France) (represented by: R. Saint-Esteben and H. Calvet, lawyers)

Defendant(s): Commission of the European Communities (represented by: F. Castillo de la Torre and F. Lelievre, and subsequently by F. Castillo de la Torre and O. Beynet, Agents)

Application for

the annulment of Decision 2003/437/EC of 11 December 2001 relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/E-1/37.027 — Zinc phosphate) (OJ 2003 L 153, p. 1) and, in the alternative, for reduction of the amount of the fine imposed on the applicant

Operative part of the judgment

The Court:

1) *Dismisses the application;*

2) *Orders the applicant to pay the costs.*

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[1] OJ C 109, 4.5.2002.

Judgment of the Court of First Instance of 29 November 2005 — Union Pigments v Commission

(Case T-62/02) [1]

(Competition — Article 81 EC — Cartel — Zinc phosphate market — Fine — Article 15(2) of Regulation No 17 — Gravity and duration of the infringement — Principles of proportionality and equal treatment — Action for annulment)

(2006/C 36/62)

Language of the case: English

Parties

Applicant(s): Union Pigments AS (Bergen, Norway) (represented by: J. Magne Langseth and T. Olavson Laake, lawyers)

Defendant(s): Commission of the European Communities (represented by: F. Castillo de la Torre, Agent)

Application for

partial annulment of Decision 2003/437/EC relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/E-1/37.027 — Zinc phosphate) (OJ 2002 L 153, p. 1) and, in the alternative, for reduction of the amount of the fine imposed on the applicant,

Operative part of the judgment

The Court:

1) *Dismisses the application;*

2) *Orders the applicant to pay the costs, including those of the application for interim measures.*

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[1] OJ C 131, 1.6.2002.

Judgment of the Court of First Instance of 29 November 2005 — Heubach v Commission

(Case T-64/02) [1]

(Competition — Article 81 EC — Cartel — Zinc phosphate market — Fine — Guidelines on the method of setting fines — Action for annulment — Objection of illegality — Article 15(2) of Regulation No 17 — Gravity of the infringement — Principles of proportionality and equal treatment — Statement of reasons)

(2006/C 36/63)

Language of the case: German

Parties

Applicant(s): Dr Hans Heubach GmbH & Co. KG (Langelsheim, Germany) (represented by: F. Montag and G. Bauer, lawyers)

Defendant(s): Commission of the European Communities (represented by: F. Castillo de la Torre, acting as Agent, assisted by H. J. Freund, lawyer)