Judgment of the Court of First Instance of 12 September 2007 — Commission v Trends

(Case T-449/04) [1]

(Arbitration clause — Second Framework Programme for research, technological development and demonstration — Contracts involving projects in the field of road transport informatics and telecommunications — Lack of supporting documents for part of the declared expenses — Termination of contracts — Expired contracts)

(2007/C 247/45)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: M. Patakia, Agent, and by K. Kapoutzidou and S. Chatzigiannis, lawyers)

Defendant: Transport Environment Development Systems (Trends) (Athens, Greece) (represented by: V. Christianos and V. Vlassi, lawyers)

Re:

Application by the Commission under an arbitration clause within the meaning of Article 238 EC seeking an order that Trends reimburse the Commission in the sum of EUR 195 435 plus contractual interest or, in the alternative, plus default interest.

Operative part of the judgment

1. *The action is dismissed;*

2. *The interlocutory application is dismissed;*

3. *The Commission is ordered to pay the costs except for those arising from the interlocutory application;*

4. *Transport Environment Development Systems (Trends) is ordered to pay the costs of the interlocutory application.*

[1] OJ C 184, 2.8.2003 (formerly Case C-249/03).

Judgment of the Court of First Instance of 12 September 2007 — Prym and Prym Consumer v Commission

(Case T-30/05) [1]

(Competition — Cartels — European haberdashery market (needles) — Product market sharing — Geographic market sharing — Fine — Guidelines on the method of setting fines — Duty to state reasons — Gravity and duration of the infringement — Leniency notice)

(2007/C 247/46)

Language of the case: German

Parties

Applicants: William Prym GmbH & Co. KG (Stolberg, Germany) and Prym Consumer GmbH & Co. KG (Stolberg) (represented by: H. Meyer-Lindemann, lawyer)

Defendant: Commission of the European Communities (represented by: F. Castillo de la Torre and K. Mojzesowicz, acting as Agents)

Re:

Application, principally, for annulment of Commission Decision C(2004) 4221 final of 26 October 2004 relating to a proceeding under Article 81 [EC] (Case COMP/F-1/38.338 — PO/Needles) in so far as it relates to the applicants, and, in the alternative, for annulment or reduction of the fine imposed on the applicants.

Operative part of the judgment

The Court:

1. *Sets the amount of the fine imposed on William Prym GmbH & Co. KG and Prym Consumer GmbH & Co. KG under Article 2 of Commission Decision C(2004) 4221 final of 26 October 2004 relating to a proceeding under Article 81 [EC] (Case COMP/F-1/38.338 — PO/Needles) at EUR 27 million;*

2. *Dismisses the remainder of the application;*

3. *Orders William Prym and Prym Consumer to bear 90 % of their own costs and to pay 90 % of the costs incurred by the Commission, and the Commission to bear 10 % of its own costs and to pay 10 % of the costs incurred by William Prym and Prym Consumer.*

(1) OJ C 106 of 30.4.2005.

Judgment of the Court of First Instance of 12 September 2007 — Coats Holdings and Coats v Commission

(Case T-36/05) (1)

(Competition — Cartels — European haberdashery market (needles) — Product market sharing — Geographic market sharing — Assessment of evidence — Participation in meetings — Tripartite agreement — Fine — Gravity and duration of the infringement — Attenuating circumstances)

(2007/C 247/47)

Language of the case: English

Parties

Applicants: Coats Holdings Ltd (Uxbridge, Middlesex, United Kingdom) and J & P Coats Ltd (Uxbridge) (represented by: W. Sibree and C. Jeffs, lawyers)

Defendant: Commission of the European Communities (represented by: F. Castillo de la Torre and K. Mojzesowicz, Agents)

Re:

Application, principally, for annulment of Commission Decision C(2004) 4221 final of 26 October 2004 relating to a proceeding under Article 81 [EC] (Case COMP/F-1/38.338 — PO/Needles) and, in the alternative, for annulment or reduction of the fine imposed on the applicants.

Operative part of the judgment

The Court:

1. *Annuls Commission Decision C(2004) 4221 final of 26 October 2004 relating to a proceeding under Article 81 [EC] (Case COMP/F-1/38.338 — PO/Needles) in so far as the Decision finds that the applicants infringed Article 81(1) EC after 13 March 1997;*

2. *Sets the amount of the fine imposed on the applicants under Article 2 of the Decision at EUR 20 million;*

3. *Dismisses the remainder of the application;*

4. *Orders the applicants to bear two thirds of their own costs and to pay two thirds of the costs incurred by the Commission, and the Commission to bear one third of its own costs and to pay one third of the costs incurred by the applicants.*

(1) OJ C 93, 16.4.2005.

Judgment of the Court of First Instance (Second Chamber) of 12 September 2007 — UFEX and Others v Commission of the European Communities

(Case T-60/05) (1)

(Competition — Abuse of a dominant position — International express courier market — Decision dismissing complaint — Annulment by Community judicature of decision dismissing complaint — Re-examination and dismissal anew of complaint — Public undertaking)

(2007/C 247/48)

Language of the case: French

Parties

Applicants: Union française de l'express (UFEX) (Roissy-en-France, France), DHL Express (France) SAS, formerly DHL International SA (Roissy-en-France); Federal express international (France) SNC (Gennevilliers, France); and CRIE SA, (Asnières, France) (represented by: É. Morgan de Rivery and J. Derenne, lawyers)

Defendant: Commission of the European Communities (represented initially by A. Bouquet and O. Beynet, then by A. Bouquet and V. Di Bucci, agents)

Interveners in support of the defendant: Chronopost SA, (Issy-les-Moulineaux, France), represented by D. Berlin, lawyer and La Poste, (Paris, France), represented by H. Lehman, lawyer

Re:

Annulment of Commission decision SG-Greffe (2004) D/205294 of 19 November 2004 rejecting the action brought by the applicants against La Poste and the French Government concerning the international express courier market in France.