

COURT OF FIRST INSTANCE

**Judgment of the Court of First Instance of 4 July 2006 —
Hoek Loos NV v Commission of the European Commu-
nities**

(Case T-304/02) ⁽¹⁾

*(Competition — Cartels — Dutch market for industrial and
medical gases — Price fixing — Calculation of fines —
Guidelines on the method of setting fines — Principles of
proportionality and equal treatment)*

(2006/C 212/47)

Language of the case: Dutch

Parties

Applicant: Hoek Loos NV (Schiedam, Netherlands) (represented
by: J.J. Feenstra and B.F. Van Harinxma thoe Slooten, lawyers)

Defendant: Commission of the European Communities (repre-
sented by: A. Bouquet, Agent)

Re:

Application for annulment in part of Article 3 of Commission
Decision 2003/207/EC final of 24 July 2002 relating to a
procedure pursuant to Article 81 EC (case COMP/E-3/36.700
— Industrial and medical gases) (OJ 2003, L 84, p. 1) and,
alternatively, for a reduction in the fine imposed on the appli-
cant

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the applicant to pay the costs.

⁽¹⁾ OJ C 305, 7.12.2002.

**Judgment of the Court of First Instance of 6 July 2006 —
Franchet and Byk v Commission**

(Joined Cases T-391/03 and T-70/04) ⁽¹⁾

*(Access to documents — Regulation (EC) No 1049/2001 —
Investigations of the European Anti-Fraud Office (OLAF) —
Eurostat — Refusal of access — Inspections and investiga-
tions — Court proceedings — Rights of the defence)*

(2006/C 212/48)

Language of the case: French

Parties

Applicants: Yves Franchet and Daniel Byk (Luxembourg), repre-
sented by G. Vandersanden and L. Levi, avocats)

Defendant: Commission of the European Communities, repre-
sented by D. Maidani, J.-F. Pasquier and P. Aalto, agents)

Re:

Application for annulment of decisions of the European Anti-
Fraud Office (OLAF) and of the Commission refusing the appli-
cants access to certain documents relating to an enquiry
concerning Eurostat

Operative part of the judgment

The Court:

1. Dismisses the applications for annulment of the decision of 18
August 2003 and the implicit decision to reject the applicants'
applications of 21 and 29 October 2003 as inadmissible;
2. Annuls the decision of the European Anti-Fraud Office (OLAF) of
1 October 2003 in so far as it refuses access to the communica-
tions from OLAF to the Commission other than that referred to in
the press release of 19 May 2003, and the Commission decision
of 19 December 2003 in so far as it refuses access to the annexes
to the report of the internal audit service of 7 July 2003;
3. Dismisses the remainder of the actions as unfounded;
- 4 Orders the Commission to pay one third of the applicants' costs
and the parties otherwise to bear their own costs.

⁽¹⁾ OJ C 21, 14.1.2004.