

COURT OF FIRST INSTANCE

JUDGMENT OF THE COURT OF FIRST INSTANCE

13 December 2001

in Joined Cases T-45/98 and T-47/98: Krupp Thyssens Stainless GmbH et Acciai speciali Terni SpA v Commission of the European Communities⁽¹⁾

(ECSC Treaty — Competition — Agreements, decisions and concerted practices — Alloy surcharge — Price fixing — Rights of the defence — Duration of the infringement — Fine — Guidelines on the method of setting fines — Cooperation during the administrative procedure — Principle of equal treatment)

(2002/C 84/101)

(Language of the case: German and Italian)

In Joined Cases T-45/98 and T-47/98, Krupp Thyssen Stainless GmbH, established in Duisberg, Germany, represented by M. Klusmann, O. Lieberknecht and K. Moosecker, lawyers, with an address for service in Luxembourg, Acciai Speciali Terni SpA, established in Terni, Italy, represented by L. G. Radicato di Brozolo, lawyer, with an address for service in Luxembourg applicants, v Commission of the European Communities, represented by W. Wils and K. Leivo, acting as Agents, assisted by H.-J. Freund and A. dal Ferro, lawyers, with an address for service in Luxembourg; application for the annulment of Commission Decision 98/247/ECSC of 21 January 1998 relating to a proceeding under Article 65 of the ECSC Treaty (Case IV/35.814 — Alloy Surcharge) (OJ 1998 L 100, p. 55), the Court of First Instance (First Chamber), composed of: B. Vesterdorf, President, M. Vilaras and N.J. Forwood, Judges, Registrar: G. Herzig, has given a judgment on 13 December 2001, in which it has ruled:

1. Joins Cases T-45/98 and T-47/98 for the purposes of the judgment;
2. Annuls Article 1 of Decision 98/247/ECSC of 21 January 1998 relating to a proceeding under Article 65 of the ECSC Treaty (Case IV/35.814 — Alloy Surcharge) in so far as it attributes to Krupp Thyssen Nirosta GmbH responsibility for the infringement committed by Thyssen Stahl AG;
3. Sets the amount of the fines imposed on Krupp Thyssen Nirosta GmbH and Acciai Speciali Terni SpA by Article 2 of Decision 98/247 at EUR 4 032 000;

4. For the rest, dismisses the applications in Cases T-45/98 and T-47/98 in all other respects;
5. In case T-45/98, orders Krupp Thyssen Stainless GmbH and the Commission to bear their own costs;
6. In case T-47/98, orders Acciai Speciali Terni SpA to bear its own costs and to pay two-thirds of those of the Commission and orders the Commission to bear one-third of its own costs.

⁽¹⁾ OJ C 166 of 30.5.1998 and C 151 of 16.5.1998.

JUDGMENT OF THE COURT OF FIRST INSTANCE

13 December 2001

in Case T-48/98: Compañía española para la fabricación de aceros inoxidables, SA (Acerinox) v Commission of the European Communities⁽¹⁾

(ECSC Treaty — Competition — Agreements, decisions and concerted practices — Alloy surcharge — Price fixing — Burden of proof — Duration of the infringement — Fine — Guidelines on the method of setting fines — Cooperation during the administrative procedure — Principle of equal treatment)

(2002/C 84/102)

(Language of the case: English)

In Case T-48/98, Compañía Española para la Fabricación de Aceros Inoxidables SA (Acerinox), established in Madrid, Spain, represented by A. Vandecasteele and D. Waelbroeck, lawyers, with an address for service in Luxembourg, v Commission of the European Communities, represented by W. Wils and K. Leivo, acting as Agents, with an address for service in Luxembourg; Application for the annulment of Commission Decision 98/247/ECSC of 21 January 1998 relating to a proceeding under Article 65 of the ECSC Treaty (Case IV/35.814 — Alloy Surcharge) (OJ 1998 L 100, p. 55), the Court of First Instance (First Chamber), composed of: B. Vesterdorf, President, M. Vilaras and N.J. Forwood, Judges, Registrar: G. Herzig, Administrator, has given a judgment on 13 December 2001, in which it has ruled:

1. Sets the amount of the fine imposed on Compañía Española para la Fabricación de Aceros Inoxidables SA at EUR 3 136 000;