

First Instance (Fourth Chamber), composed of: M. Vilaras, President, V. Tiili and P. Mengozzi, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on, in which it:

1. *Dismisses the action;*
2. *Orders Kyowa Hakko Kogyo Co. Ltd and Kyowa Hakko Europe GmbH to bear their own costs and, jointly and severally, to pay those incurred by the Commission.*

(¹) OJ C 316 of 04.11.2000.

1. *Sets the amount of the fine imposed on Archer Daniels Midland Company and Archer Daniels Midland Ingredients Ltd jointly and severally at EUR 43 875 000;*
2. *Dismisses the remainder of the application;*
3. *Orders Archer Daniels Midland Company and Archer Daniels Midland Ingredients Ltd to bear their own costs and to pay three quarters of the Commission's costs and orders the Commission to bear one quarter of its own costs.*

(¹) OJ C 316 of 4.11.2000.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 9 July 2003

in Case T-224/00: Archer Daniels Midland Company and Archer Daniels Midland Ingredients Ltd v Commission of the European Communities (¹)

(Competition — Cartel — Lysine — Guidelines on the method of setting fines — Applicability — Gravity and duration of the infringement — Turnover — Aggravating circumstances — Mitigating circumstances — Cooperation during the administrative procedure — Concurrent sanctions)

(2003/C 213/53)

(Language of the case: English)

In Case T-224/00, Archer Daniels Midland Company, established in Decatur, Illinois (United States of America), Archer Daniels Midland Ingredients Ltd, established in Erith (United Kingdom), represented by L. Martin Alegi and E.W. Batchelor, solicitors, with an address for service in Luxembourg, v Commission of the European Communities (Agents: W. Wils, R. Lyal and J. Flynn): Application for partial annulment of Commission Decision 2001/418/EC of 7 June 2000 relating to a proceeding pursuant to Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/36.545/F3 — Amino Acids) (OJ 2001 L 152, p. 24) or a reduction in the fine imposed on the applicants, and counterclaim by the Commission for an increase in the amount of that fine, the Court of First Instance (Fourth Chamber), composed of: M. Vilaras, President, V. Tiili and P. Mengozzi, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 9 July 2003, in which it:

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 9 July 2003

in Case T-230/00: Daesang Corp. and Sewon Europe GmbH v Commission of the European Communities (¹)

(Competition — Cartel — Lysine — Guidelines on the method of setting fines — Turnover — Mitigating circumstances — Cooperation during the administrative procedure)

(2003/C 213/54)

(Language of the case: English)

In Case T-230/00, Daesang Corp., established in Seoul (South Korea), Sewon Europe GmbH, established in Eschborn (Germany), represented by J.-F. Bellis and S. Reinart, lawyers, and A. Kmiecik, solicitor, with an address for service in Luxembourg, v Commission of the European Communities (Agents: W. Wils, R. Lyal and J. Flynn): Application for a reduction in the fine imposed on the applicants by Commission Decision 2001/418/EC of 7 June 2000 relating to a proceeding pursuant to Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/36.545/F3 — Amino Acids) (OJ 2001 L 152, p. 24), the Court of First Instance (Fourth Chamber), composed of: M. Vilaras, President, V. Tiili and P. Mengozzi, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 9 July 2003, in which it:

1. *Sets the amount of the fine imposed on Daesang Corp. and Sewon Europe GmbH jointly and severally at EUR 7 128 240;*