

COURT OF FIRST INSTANCE

Judgment of the Court of First Instance of 29 November 2005 — Britannia Alloys & Chemicals Ltd v Commission

(Case T-33/02) ⁽¹⁾

(Competition — Article 81 EC — Cartel — Zinc phosphate market — Fine — Article 15(2) of Regulation No 17 — Relevant turnover — Action for annulment)

(2006/C 36/59)

Language of the case: English

Parties

Applicant(s): Britannia Alloys & Chemicals Ltd (Gravesend, United Kingdom) (represented by: S. Mobley, H. Bardell and M. Commons, Solicitors)

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

Application for

partial annulment of Commission 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 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.*

⁽¹⁾ OJ C 109, 4.5.2002.

Judgment of the Court of First Instance of 6 December 2005 — Brouwerij Haacht v Commission

(Case T-48/02) ⁽¹⁾

(Competition — Cartels — Fines — Guidelines on the method of setting fines — Effective capacity of the offender to cause significant damage to other operators — Attenuating circumstances — Leniency Notice)

(2006/C 36/60)

Language of the case: Dutch

Parties

Applicant: Brouwerij Haacht NV (Boortmeerbeek, Belgium) (represented by: Y. van Gerven, F. Louis and H. Viaene, lawyers)

Defendant: Commission of the European Communities (represented by: A. Bouquet and W. Wils, Agents)

Application for

annulment of, and in the alternative for a reduction in the fine imposed on the applicant by, Article 4 of Commission Decision 2003/569/EC of 5 December 2001 relating to a proceeding under Article 81 of the EC Treaty (Case IV/37.614/F3 PO/Interbrew and Alken-Maes) (OJ 2003 L 200, p. 1)

Operative part of the judgment

The Court:

- 1) *Dismisses the application;*
- 2) *Orders the applicant to pay the costs.*

⁽¹⁾ OJ C 109, 4.5.2002.