

COURT OF FIRST INSTANCE

Judgment of the Court of First Instance (First Chamber) of 15 March 2006 — BASF AG v Commission(Case T-15-02) ⁽¹⁾

(Competition — Cartels in the vitamin products sector — Rights of the defence — Guidelines on the method of setting fines — Determination of the starting amount of the fine — Deterrent effect — Aggravating circumstances — Role of leader or instigator — Cooperation during the administrative procedure — Professional secrecy and principle of sound administration)

(2006/C 108/25)

Language of the case: English

Parties

Applicant(s): BASF AG (Ludwigshafen, Germany) (represented by: N. Levy, J. Temple-Lang, Solicitor, R. O'Donoghue, Barrister and C. Federsen, Solicitor)

Defendant(s): Commission of the European Communities (represented by: R. Wainwright and L. Pignataro-Nolin, Agents)

Application for

APPLICATION for annulment or reduction of the fines imposed on the applicant by Article 3(b) of Commission Decision 2003/2/EC of 21 November 2001 relating to a proceeding pursuant to Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/E-1/37.512 — Vitamins) (OJ 2003 L 6, p. 1),

Operative part of the judgment

1) Sets the amount of the fines imposed on the applicant in respect of the infringements relating to vitamins C and D3, beta-carotene and carotinoids by Article 3(b) of Commission Decision 2003/2/EC of 21 November 2001 relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/E-1/37.512 — Vitamins) as follows:

- infringement relating to vitamin C: EUR 10,875 million;
- infringement relating to vitamin D3: EUR 5,6 million;
- infringement relating to beta-carotene: EUR 16 million;
- infringement relating to carotinoids: EUR 15,5 million;

2) Dismisses the remainder of the application;

3) Orders the applicant to bear four fifths of its own costs and four fifths of the costs incurred by the Commission and the Commission to bear one fifth of its own costs and to pay one fifth of the costs incurred by the applicant.

⁽¹⁾ OJ C 109, 4.5.2002

Judgment of the Court of First Instance (Fourth Chamber) of 15 March 2006 — Daiichi Pharmaceutical v Commission(Case T-26/02) ⁽¹⁾

(Competition — Cartels in the vitamin products sector — Guidelines on the method of setting fines — Determination of the starting amount of the fine — Attenuating circumstances — Leniency Notice)

(2006/C 108/26)

Language of the case: English

Parties

Applicant: Daiichi Pharmaceutical Co. Ltd (Tokyo, Japan) (represented by: J. Buhart and P.-M. Louis, lawyers)

Defendant: Commission of the European Communities (represented by: R. Wainwright and L. Pignataro-Nolin, agents)

Re:

APPLICATION for annulment or reduction of the fine imposed on the applicant by Article 3(f) of Commission Decision 2003/2/EC of 21 November 2001 relating to a proceeding pursuant to Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/E-1/37.512 — Vitamins) (OJ 2003 L 6, p. 1),

Operative part of the judgment

The Court:

1) Reduces to EUR 18 000 000 the fine imposed on the applicant by Article 3(f) of Commission Decision 2003/2/EC of 21 November 2001 relating to a proceeding pursuant to Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/E-1/37.512 — Vitamins);