

**Re:**

Annulment of Article 1 of Decision C(2001) 2931 of 2 October 2001 concerning a procedure under Article 81 of the Treaty and Article 53 of the EEA Agreement (Case No COMP/E 1/36.756 — Sodium Gluconate), in so far as it pertains to the applicant or, in the alternative, annulment of Article 3 of that decision in so far as it pertains to the applicant

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders the Coöperatieve Verkoop- en Productievereniging van Aardappelmeel en Derivaten Avebe BA to pay the costs.

(<sup>1</sup>) OJ C 68, 16.3.2002.

**Judgment of the Court of First Instance of 27 September 2006 — Roquette Frères v Commission**

(Case T-322/01) (<sup>1</sup>)

*(Competition — Agreements, decisions and concerted practices — Sodium gluconate — Article 81 EC — Fine — Article 15(2) of Regulation No 17 — Guidelines on the method of setting fines — Leniency notice — Equal treatment Principle ne bis in idem)*

(2006/C 294/84)

Language of the case: French

**Parties**

*Applicant:* Roquette Frères, SA (Lestrem, France) (represented by: O. Prost, D. Voillemot and A. Choffel, lawyers)

*Defendant:* Commission of the European Communities (represented by: initially, A. Bouquet, W. Wils and A. Whelan, and subsequently A. Bouquet, W. Wils and A. Whelan, Agents, assisted by A. Condomines and J. Liygonie, lawyers)

**Re:**

First, an application for annulment of Articles 1 and 3 of Decision C(2002) 2931 final of 2 October 2001 relating to a proceeding pursuant to Article 81 of the EC Treaty and Article 53 of the EEA Agreement (COMP/E-1/36.756 — Sodium gluconate), in that it sets the amount of the fine imposed on the applicant; second, an application for a reduction in the amount of the fine; and, third, an application for repayment to the applicant of the amounts unlawfully received.

**Operative part of the judgment**

The Court:

1. Sets the amount of the fine imposed on Roquette Frères SA at EUR 8 105 000;
2. Varies Decision C(2002) 2931 final of 2 October 2001 relating to a proceeding pursuant to Article 81 of the EC Treaty and Article 53 of the EEA Agreement (COMP/E-1/36.756 — Sodium gluconate) in so far as it is inconsistent with paragraph 1 above;
3. Dismisses the remainder of the application;
4. Orders Roquette Frères SA to pay all of the costs.

(<sup>1</sup>) OJ C 68, 16.3.02.

**Judgment of the Court of First Instance of 27 September 2006 — Archer Daniels Midland v Commission**

(Case T-329/01) (<sup>1</sup>)

*(Competition — Cartels — Sodium Gluconate — Article 81 EC — Fine — Article 15(2) of Regulation No 17 — Guidelines on the method of setting fines — Leniency Notice — Principle of proportionality — Equal treatment — Non-retroactivity — Obligation to state reasons — Rights of the defence)*

(2006/C 294/85)

Language of the case: English

**Parties**

*Applicant:* Archer Daniels Midland Co. (Decatur, Illinois, United States) (represented by: C.O. Lenz, lawyer, L. Martin Alegi, M. Garcia and E. Batchelor, Solicitors)

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

**Re:**

Application for annulment of Article 1 of Commission Decision C(2001) 2931 final of 2 October 2001 relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/E-1/36.756 — Sodium Gluconate) in so far as it pertains to the applicant, or at least to the extent that it finds the applicant was party to an infringement after 4 October 1994, and for annulment of Article 3 of that decision in so far as it pertains to the applicant or, in the alternative, annulment or reduction of the fine imposed on it by the decision.