

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 7 December 2004 (Case R 328/2004-1), relating to opposition proceedings between K & L Ruppert Stiftung & Co. Handels-KG and Natália Cristina Lopes de Almeida Cunha, Cláudia Couto Simões and Marly Lima Jatobá

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the applicant, K & L Ruppert Stiftung & Co. Handels-KG, to pay the costs.

⁽¹⁾ OJ C 155, 25.6.2005.

Judgment of the Court of First Instance of 12 December 2007 — BASF and UCB v Commission

(Joined Cases T-101/05 and T-111/05) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices in the vitamin products sector — Choline chloride (vitamin B4) — Decision finding an infringement of Article 81 EC and Article 53 of the Agreement on the European Economic Area — Fines — Deterrence — Repeat infringement — Cooperation during the administrative procedure — Single and continuous infringement)

(2008/C 22/75)

Languages of the case: English and French

Parties

Applicants: BASF AG (Ludwigshafen, Germany) (represented by: N. Levy, Barrister, J. Temple Lang, Solicitor, and C. Feddersen, Lawyer) and UCB SA (Brussels, Belgium) (represented by J. Bourgeois, J.-F. Bellis and M. Favart, Lawyers)

Defendant: Commission of the European Communities (represented by: in Case T-101/05 A. Whelan and F. Amato and in Case T-111/05 initially O. Beynet and F. Amato, and subsequently X. Lewis and F. Amato, Agents)

Re:

Application for annulment or reduction of the fines imposed on the applicants by the Commission Decision of 9 December 2004 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-2/37.533 — Choline chloride) (summary published in OJ 2005 L 190, p. 22).

Operative part of the judgment

The Court:

1. Disjoins Case T-112/05 *Akzo Nobel and Others v Commission from Cases T-101/05 and T-111/05 for the purposes of the judgment;*
2. Annuls Article 1(b) and (f) of Commission Decision 2005/566/EC of 9 December 2004 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-2/37.533 — Choline Chloride) in so far as it makes a finding of infringement against BASF AG and UCB SA during the period before 29 November 1994 in BASF's case and before 14 March 1994 in UCB's case;
3. In Case T-101/05, sets the fine imposed on BASF at EUR 35,024 million;
4. In Case T-111/05, sets the fine imposed on UCB at EUR 1,870 million;
5. Dismisses the remainder of the applications;
6. In Case T-101/05, orders the parties to bear their own costs;
7. In Case T-111/05, orders the Commission, in addition to bearing its own costs, to pay 90 % of the costs incurred by UCB.

⁽¹⁾ OJ C 115, 14.5.2005.

Judgment of the Court of First Instance of 12 December 2007 — Akzo Nobel and Others v Commission

(Case T-112/05) ⁽¹⁾

(Competition — Cartels in the vitamin products sector — Choline chloride (Vitamin B4) — Decision finding an infringement of Article 81 EC and Article 53 of the Agreement on the European Economic Area — Attributability of the infringement)

(2008/C 22/76)

Language of the case: English

Parties

Applicants: Akzo Nobel (Arnhem, Netherlands), Akzo Nobel Nederland BV (Arnhem), Akzo Nobel Chemicals International BV (Amersfoort, Netherlands), Akzo Nobel Chemicals BV (Amersfoort), Akzo Nobel Functional Chemicals BV (Amersfoort) (represented by: initially C. Swaak and J. de Gou, and subsequently C. Swaak, M. van der Woude and M. Mollica, Lawyers)

Defendant: Commission of the European Communities (represented by: A. Whelan and F. Amato, Agents)