

**Re:**

Application for suspension of the operation of Commission Decision 2007/437/EC of 19 June 2007 concerning the non-inclusion of haloxyfop-R in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (OJ 2007 L 163, p. 22) pending the full resolution of the dispute in the main proceedings.

**Operative part of the order**

1. *The application for interim measures is dismissed.*
2. *Costs are reserved.*

**Order of the President of the Court of First Instance of  
14 December 2007 — Portuguese Republic v Commission  
of the European Communities**

(Case T-387/07 R)

*(Interim measures — Reduction of assistance — Application  
to suspend operation Lack of urgency)*

(2008/C 51/82)

*Language of the case: Portuguese*

**Parties**

*Applicant:* Portuguese Republic (represented by: L. Fernandes, S. Rodrigues and A. Gattini, agents)

*Defendant:* Commission of the European Communities (represented by: P. Guerra e Andrade and L. Flynn, agents)

**Re:**

Application to suspend operation, on the one hand, of Commission Decision C(2007) 3772 of 31 July 2007 reducing the assistance granted by the European Regional Development Fund for the global grant 'SGAIA' (global grant for local development) pursuant to Decision C(95) 1769 of the European Commission of 28 July 1995 and, on the other, of the alleged payment order contained in a debit note of 17 September 2007.

**Operative part of the order**

1. *The application for interim measures is dismissed.*
2. *Costs are reserved.*

**Action brought on 7 December 2007 — YKK and Others v  
Commission**

(Case T-448/07)

(2008/C 51/83)

*Language of the case: English*

**Parties**

*Applicants:* YKK Corp. (Tokyo, Japan), YKK Holding Europe BV (Sneek, Netherlands), YKK Stocko Fasteners GmbH (Wuppertal, Germany) (represented by: H. Kaneko and C. Vennemann, lawyers)

*Defendant:* Commission of the European Communities

**Form of order sought**

- Annul the contested decision in so far as it concerns each of the applicants;
- as a consequence, cancel the fines imposed on each of the applicants;
- in the alternative, annul Article 2 of the contested decision in so far as it concerns each of the applicants, or, at least cancel or reduce the fines imposed on each of the applicants;
- order the Commission to pay the costs.

**Pleas in law and main arguments**

The applicants seek the annulment of Commission Decision C(2007) 4257 final of 19 September 2007 in Case COMP/E-1/39.168 — PO/Hard Haberdashery: Fasteners, by which the Commission found that the applicants, together with other undertakings, had infringed Article 81 EC by:

- agreeing on coordinated price increases and exchanging confidential information on prices and implementation of price increases within the 'Baseler, Wuppertaler and Amsterdamer cooperation';
- fixing prices, monitoring price increases and allocating customers in a bilateral cooperation with Prym Fashion; and
- exchanging price information, discussing prices and agreeing on a methodology to fix minimum prices in a tripartite cooperation with Coats and Prym.

In support of their application, the applicants submit that the 1,25 multiplier for deterrence imposed on them breaches the principle of proportionality.

Concerning the 'Baseler, Wuppertaler and Amsterdamer cooperation', the applicants allege that, with respect to YKK Stocko Fasteners, the Commission misapplied Article 23(2) of Regulation 1/2003 (<sup>1</sup>), according to which the fine to be imposed on an undertaking shall not exceed 10 % of its total turnover in the preceding business year. Furthermore, the increase by 1,25 for deterrence is, according to the applicants, not justified for the period prior to the acquisition of YKK Stocko Fasteners by YKK Holding Europe.