

**Action brought on 20 December 2007 — Nynäs Petroleum and Nynas Petróleo v Commission**

(Case T-482/07)

(2008/C 51/101)

*Language of the case: English*

**Parties**

*Applicants:* AB Nynäs Petroleum (Stockholm, Sweden) and Nynas Petróleo, SA (Madrid, Spain) (represented by: D. Beard, Barrister and M. Dean, Solicitor)

*Defendant:* Commission of the European Communities

**Form of order sought**

- Annulment of Article 1 of the decision insofar as it applies to Nynas for the period 1991-1996;
- annulment of Article 1 of the decision insofar as it applies to Nynas in respect of price coordination;
- annulment of Article 2 of the decision insofar as it imposes fines of EUR 10 642 500 on Nynas SA and EUR 10 395 000 on AB Nynäs or, in the alternative, reduce that fine as appropriate;
- order that the Commission pays the costs of the appeal.

**Pleas in law and main arguments**

By means of this application partial annulment is sought, pursuant to Article 230 EC, of Commission Decision C(2007) 4441 final of 3 October 2007 relating to a proceeding under Article 81 EC (Case COMP/38.710 — Bitumen — Spain) by which the Commission found that the applicants, Nynäs Petroleum and Nynas Petróleo (together 'Nynas'), among other undertakings, participated in a set of agreements and concerted practices in the penetration bitumen business which covered the territory of Spain and which consisted in market sharing agreements and price coordination; as well as/or reduction of the fine imposed on the applicant, pursuant to Article 229 EC.

The grounds of the appeal are based on the following pleas:

- (i) It is claimed that the Commission erred in its assessment of the duration of the involvement of Nynas in the alleged market allocation arrangements, in particular, by holding that Nynas has participated in the alleged infringement between 1991 and 1996.
- (ii) It is further submitted that the Commission erred in its finding that Nynas were involved in the alleged pricing infringements.

- (iii) Finally, the applicants contend that the Commission erred in its assessment of the degree of involvement by Nynas in aspects to the infringements and in setting the appropriate level of the fine to be imposed on Nynas.

**Action brought on 22 December 2007 — Romania v Commission of the European Communities**

(Case T-483/07)

(2008/C 51/102)

*Language of the case: Romanian*

**Parties**

*Applicant:* Romania (represented by: Aurel Ciobanu-Dordea, Agent, Emilia Gane and Dumitra Mereuță, Advisers)

*Defendant:* Commission of the European Communities

**Forms of order sought**

The applicant claims that the Court of First Instance should:

- Annul the Commission's decision (C(2007) 5240 final) of 26 October 2007 concerning the national allocation plan for greenhouse gas emission certificates for the year 2007, notified by Romania pursuant to Directive 2003/87/EC of the European Parliament and of the Council;
- Order the Commission of the European Communities to pay the costs of the proceedings.

**Pleas in law and main arguments**

By the contested decision, the Commission rejected in part the national allocation plan for greenhouse gas emission certificates for the year 2007, notified by Romania pursuant to Directive 2003/87/EC<sup>(1)</sup>, reducing by 9,080765 million tonnes of CO<sub>2</sub>, equivalent per year the overall number of certificates that will be allocated for the Community scheme and establishing that the average overall annual volume covered by the emission quotas that may be allocated will not exceed 74,836235 million tonnes.

In support of its action, the applicant submits as follows:

- the Commission has failed to comply with Article 9(1) and (3) and Article 11(1) of Directive 2003/87/EC, in that it has established, with binding force, on the basis of a method of its own, the overall volume of the emission quotas that can be allocated by Romania, thus encroaching upon the latter's sphere of competence;
- the Commission has applied a method wholly lacking in transparency for the purposes of determining the overall volumes of the emission quotas, thus infringing not only Article 9(1) of Directive 2003/87/EC, but also Article 9(3) thereof;