

Form of order sought

- Annul Commission decision of 11 June 2008 — Case COMP/F/38.695 — Sodium Chlorate as far as it relates to Aragonesas; or
- Amend Articles 1 and 2 of the decision to annul or substantially to reduce the fine imposed on Aragonesas; and
- Order the Commission to pay the costs of the proceedings.

Pleas in law and main arguments

By means of this application the applicant seeks partial annulment pursuant to Article 230 EC of Commission Decision C(2008) 2626 final of 11 June 2008 (Case COMP/38.695 — Sodium Chlorate) relating to a proceeding under Article 81(1) EC and Article 53(1) EEA in so far as it relates to the applicant. Alternatively, it seeks the amendment of the Articles 1 and 2 of the decision in so far as it imposes a fine on the applicant.

The applicant puts forward two pleas in law in support of its claims:

First, the applicant submits that the Commission committed a manifest error of appraisal in finding that the applicant had participated in a cartel between late 1994 and 2000, allocating sales volumes and fixing prices for sodium chlorate. It claims that the level of evidence put forward by the Commission in the decision is insufficient to establish to the requisite legal standard the applicant's participation in a single continuous infringement.

Second, the applicant argues that there has been an infringement of the principles of proportionality and equal treatment by reason of the fact that the Commission, in its calculation of the basic amount of the fine:

- wrongly assessed the gravity of the infringement with regard to the applicant;
- wrongly applied the entry fee to the applicant;
- failed to properly assess the duration of the infringement; and
- failed to take account of the mitigating circumstances specific to the applicant.

Action brought on 26 August 2008 — Uralita v Commission**(Case T-349/08)**

(2008/C 285/83)

*Language of the case: English***Parties**

Applicant: Uralita, SA (Madrid, Spain) (represented by: I. Forrester, QC, K. Struckmann, P. Lindfelt, J. Garcia-Nieto Esteva, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- Annul Commission decision of 11 June 2008 — Case COMP/F/38.695 — Sodium Chlorate as far as it relates to Uralita; and
- Order the Commission to pay the costs of the proceedings.

Pleas in law and main arguments

By means of this application the applicant seeks partial annulment pursuant to Article 230 EC of Commission Decision C(2008) 2626 final of 11 June 2008 (Case COMP/38.695 — Sodium Chlorate) relating to a proceeding under Article 81(1) EC and Article 53(1) EEA in so far as it finds that the applicant must be held jointly and severally liable for infringement allegedly committed by Aragonesas, in which the applicant held shares, during the period 16 December 1996 through 9 February 2000.

The applicant puts forward two pleas in law in support of its claims.

First, it submits that the Commission erred in law by imputing the conduct of Aragonesas to Uralita by way of parent-subsidary liability.

Second, the applicant submits that the Commission erred in imputing the conduct of Aragonesas to Uralita by way of succession.

Action brought on 25 August 2008 — Matratzen Concord v OHIM — Barranco Schnitzler and Barranco Rodriguez (MATRATZEN CONCORD)**(Case T-351/08)**

(2008/C 285/84)

*Language in which the application was lodged: German***Parties**

Applicant: Matratzen Concord GmbH (Cologne, Germany) (represented by: J. Albrecht, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)