

5. Orders Lior to bear all the costs relating to the application for interim relief in Case T-192/01 R.
6. Orders the Commission to bear three-quarters of its own costs relating to the main proceedings in Case T-192/01 and three-quarters of its own costs relating to the proceedings brought against Lior in Case T-245/04.
7. Orders the Commission to bear its own costs relating to the action against Lior International in Case T-245/04.
8. Orders Lior International to bear its own costs.

(<sup>1</sup>) OJ C 303, of 27.10.2001.

### Judgment of the Court of First Instance of 30 September 2009 — Hoechst v Commission

(Case T-161/05) (<sup>1</sup>)

*(Competition — Agreements, decisions and concerted practices — Market for monochloroacetic acid — Decision finding an infringement of Article 81 EC — Market sharing and price-fixing — Attributability of the infringement — Fines — Proportionality — Cooperation — Aggravating circumstances — Repeated infringement — Access to the file — Report of the Hearing Officer — Order to bring the infringement to an end)*

(2009/C 282/64)

Language of the case: German

#### Parties

*Applicant:* Hoechst GmbH, formerly Hoechst AG (Frankfurt am Main, Germany) (represented initially by M. Klusmann and U. Itzen, and subsequently by M. Klusmann, U. Itzen and S. Thomas, lawyers)

*Defendant:* Commission of the European Communities (represented initially by A. Bouquet, F. Amato and M. Schneider, and subsequently by A. Bouquet and M. Kellerbauer, Agents)

#### Re:

Application, principally, for annulment of Articles 2 and 3 of Commission Decision C(2004) 4876 final of 19 January 2005 relating to a proceeding pursuant to Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-1/37.773 — MCAA) and, in the alternative, application for reduction of the fine imposed on the applicant.

#### Operative part of the judgment

The Court:

1. Sets the amount of the fine imposed on Hoechst AG in Article 2(b) of Commission Decision C(2004) 4876 final of 19 January

2005 relating to a proceeding pursuant to Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-1/37.773 — MCAA) at EUR 66 627 million;

2. Dismisses the remainder of the action;
3. Orders each party to bear its own costs.

(<sup>1</sup>) OJ C 155, 25.6.2005.

### Judgment of the Court of First Instance of 30 September 2009 — Arkema v Commission

(Case T-168/05) (<sup>1</sup>)

*(Competition — Agreements, decisions and concerted practices — Market for Monochloroacetic acid — Decision finding an infringement of Article 81 EC — Market sharing and price fixing — Imputability of the unlawful conduct — Principle that penalties must fit the offence — Obligation to state the reasons on which the decision is based — Fines — Proportionality — Gravity and duration of the infringement — Deterrent effect — Actual impact on the market — Attenuating circumstances — Role of follower — Aggravating circumstances — Repeated infringement)*

(2009/C 282/65)

Language of the case: French

#### Parties

*Applicant:* Arkema SA (Paris, France) (represented by: M. Debroux, lawyer)

*Defendant:* Commission of the European Communities (represented: initially by A. Bouquet and F. Amato, then A. Bouquet and X. Lewis, Agents)

#### Re:

Primarily, annul Article 1(d), Article 2(c) and Article 4(9) of Commission Decision C(2004) 4876 final of 19 January 2005 relating to a proceeding pursuant to Article 81 [EC] and Article 53 of the EEA Agreement (Case No COMP/E-1/37.773 — MCAA) and, in the alternative, request to amend Article 2 (c) and (d) of that decision.

#### Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Arkema SA to pay the costs.

(<sup>1</sup>) OJ C 171, of 9.7.2005.