

Judgment of the General Court of 28 April 2010 — BST v Commission

(Case T-452/05) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European market in industrial thread — Decision finding an infringement of Article 81 EC and Article 53 of the EEA Agreement — Fines — Gravity of the infringement — Mitigating circumstances — Cooperation — Non-contractual liability — Disclosure of confidential information — Damage — Causal link)

(2010/C 148/43)

Language of the case: Dutch

Parties

Applicant: Belgian Sewing Thread (BST) NV (Deerlijk, Belgium) (represented by: H. Gilliams and J. Bocken, lawyers)

Defendant: European Commission (represented by: A. Bouquet and K. Mojzesowicz, acting as Agents)

Re:

Application for (i) partial annulment of Commission Decision C(2005) 3452 of 14 September 2005 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/38.337 — PO/Thread), as amended by Commission Decision C(2005) 3765 of 13 October 2005 and, in the alternative, reduction of the fine imposed on the applicant by that decision and (ii) an order that the Commission pay compensation, on the basis of the non-contractual liability of the European Community, for the loss which the applicant has suffered

Operative part of the judgment

The Court:

1. Fixes at EUR 856 800 the fine imposed on Belgian Sewing Thread (BST) NV by Article 2 of Commission Decision C(2005) 3452 of 14 September 2005 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/38.337 — PO/Thread);

2. For the rest, dismisses the application for annulment;

3. Dismisses the claim for damages.

4. Orders BST to bear 90 % of its own costs and to pay 90 % of the costs incurred by the European Commission, and the European Commission to bear 10 % of its own costs and to pay 10 % of the costs incurred by BST.

⁽¹⁾ OJ C 60, 11.3.2006.

Judgment of the General Court of 28 April 2010 — Gütermann and Zwicky v Commission

(Joined Cases T-456/05 and T-457/05) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European market in industrial thread — Decision finding an infringement of Article 81 EC and Article 53 of the EEA Agreement — Fines — Gravity of the infringement — Actual impact on the market — Duration of the infringement — Mitigating circumstances — Cooperation during the administrative procedure — Proportionality — Guidelines on the method of setting fines)

(2010/C 148/44)

Language of the case: German

Parties

Applicants: Gütermann AG (Gutach-Breisgau, Germany) (Case T-456/05); and Zwicky & Co. AG (Wallisellen, Switzerland) (Case T-457/05) (represented by: J. Burrichter, B. Kasten and S. Orlikowski-Wolf, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre, M. Schneider and K. Mojzesowicz, and subsequently by F. Castillo de la Torre and K. Mojzesowicz, acting as Agents)

Re:

Application for annulment of Commission Decision C(2005) 3452 of 14 September 2005 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/38.337 — PO/Thread), as amended by Commission Decision C(2005) 3765 of 13 October 2005 and, in the alternative, for reduction of the fine imposed on the applicants by that decision