

**Judgment of the General Court of 19 May 2010 —
Wieland-Werke and Others v Commission**

(Case T-11/05) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Copper plumbing tube industry — Decision finding an infringement of Article 81 EC — Continuous and multiform infringement — Ne bis in idem principle — Fines — Actual impact on the market — Size of the relevant market — Duration of the infringement — Attenuating circumstances)

(2010/C 179/47)

Language of the case: German

Parties

Applicants: Wieland-Werke AG (Ulm, Germany); Buntmetall Amstetten GmbH (Amstetten, Austria); and Austria Buntmetall AG (Enzesfeld, Austria); (represented by: R. Bechtold and U. Soltész, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre and É. Gippini Fournier, Agents, and by G. Eickstädt, lawyer)

Intervener in support of the defendant: Council of the European Union (represented by: J. Huber and G. Kimberley, Agents)

Re:

Application, first, for annulment of Commission Decision C(2004) 2826 of 3 September 2004 relating to a proceeding pursuant to Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-1/38.069 — Copper plumbing tubes); second, in the alternative, for reduction of the fines imposed on the applicants by that decision; and third, by way of counterclaim by the Commission, for those fines to be increased.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Dismisses the European Commission's counterclaim;
3. Orders Wieland-Werke AG, Buntmetall Amstetten GmbH and Austria Buntmetall AG to bear their own costs and to pay 90 % of the costs incurred by the Commission;
4. Orders the Commission to bear 10 % of its own costs;

5. Orders the Council of the European Union to bear its own costs.

⁽¹⁾ OJ C 93, 16.4.2005.

**Judgment of the General Court of 19 May 2010 — IMI and
Others v Commission**

(Case T-18/05) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Copper plumbing tubes sector — Decision finding an infringement of Article 81 EC — Continuous and multiform infringement — Interruption of participation — Fines — Limited participation in the cartel)

(2010/C 179/48)

Language of the case: English

Parties

Applicants: IMI plc (Birmingham, Warwickshire, United Kingdom); IMI Kynoch Ltd (Birmingham); and Yorkshire Copper Tube (Liverpool, Merseyside, United Kingdom) (represented by: M. Struys and D. Arts, lawyers)

Defendant: European Commission (represented by: É. Gippini Fournier and S. Noë, Agents)

Re:

Application for (1) annulment of Article 1(h) to (j) and Article 2(f) of Commission Decision C(2004) 2826 of 3 September 2004 relating to a proceeding pursuant to Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-1/38.069 — Copper plumbing tubes); and (2) in the alternative, reduction in the amount of the fine imposed on the applicants by that decision.

Operative part of the judgment

The Court:

1. Annuls Article 1(h) to (j) of Commission Decision C(2004) 2826 of 3 September 2004 relating to a proceeding pursuant to Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-1/38.069 — Copper plumbing tubes) in so far as it relates to the period from 1 December 1994 to 11 April 1996;
2. Determines the amount of the fine imposed jointly and severally on IMI plc, IMI Kynoch Ltd and Yorkshire Copper Tube in Article 2(f) of Decision C(2004) 2826 at EUR 38.556 million;