

3. Dismisses the action as to the remainder;
4. Orders the European Commission to pay its own costs and 40 % of the costs incurred by IMI, IMI Kynoch and Yorkshire Copper Tube;
5. Orders IMI, IMI Kynoch and Yorkshire Copper Tube to bear 60 % of their own costs.

(¹) OJ C 69, 19.3.2005.

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

(Case T-19/05) (¹)

(Competition — Agreements, decisions and concerted practices — Copper plumbing tube industry — Decision finding an infringement of Article 81 EC — Continuous and multiform infringement — Fines — Limitation period — Cooperation)

(2010/C 179/49)

Language of the case: English

Parties

Applicants: Boliden AB (Stockholm, Sweden); Outokumpu Copper Fabrication AB, formerly Boliden Fabrication AB (Västerås, Sweden); Outokumpu Copper BCZ SA, formerly Boliden Cuivre & Zinc SA (Liège, Belgium) (represented: initially by C. Wetter and O. Rislund and subsequently by C. Wetter and M. Johansson, lawyers)

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

Re:

Application (i) for annulment of Article 1(a) to (c) of Commission Decision C(2004) 2826 of 3 September 2004 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-1/38.069 — Copper plumbing tubes) in so far as it was thereby found that the applicants participated in an infringement between 1 July 1995 and 27 August 1998 and between 10 December 1998 and 7 October 1999; (ii) for reduction of the fine imposed on the applicants by that decision; and (iii) by way of counterclaim by the Commission, for the amount of that fine to be increased.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Dismisses the European Commission's counterclaim;
3. Orders Boliden AB, Outokumpu Copper Fabrication AB and Outokumpu Copper BCZ SA 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.

(¹) OJ C 82, 2.4.2005.

Judgment of the General Court of 19 May 2010 — Outokumpu and Luvata v Commission

(Case T-20/05) (¹)

(Competition — Agreements, decisions and concerted practices — Copper plumbing tube industry — Decision finding an infringement of Article 81 EC — Fines — Size of the relevant market — Aggravating circumstance — Repeat infringement)

(2010/C 179/50)

Language of the case: English

Parties

Applicants: Outokumpu Oyj (Espoo, Finland); and Luvata Oy, formerly Outokumpu Copper Products Oy (Espoo) (represented by: J. Ratliff, Barrister, F. Distefano and J. Luostarinen, lawyers)

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

Re:

Application for cancellation or reduction of the fine imposed on the applicants under Article 2(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).