

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Outokumpu Oyj and Luvata Oy to pay the costs.

(¹) OJ C 82, 2.4.2005.

Judgment of the General Court of 19 May 2010 — Chalkor v Commission

(Case T-21/05) (¹)

(Competition — Agreements, decisions and concerted practices — Copper plumbing tube industry — Decision finding an infringement of Article 81 EC — Continuous and multiform infringement — Fines — Limited participation in the cartel — Geographic extent of the relevant market — Duration of the infringement — Cooperation)

(2010/C 179/51)

Language of the case: English

Parties

Applicant: Chalkor AE Epexergasias Metallon (Athens, Greece) (represented by: I. Forrester QC, A. Schulz and A. Komninos, lawyers)

Defendant: European Commission (represented by: P. Oliver and S. Noë, Agents)

Re:

Application for cancellation or reduction of the fine imposed on the applicant by 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).

Operative part of the judgment

The Court:

1. Orders that the fine imposed on Chalkor AE Epexergasias Metallon under Article 2(d) 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) shall be set at EUR 8,2467 million.

2. Dismisses the action as to the remainder;

3. Orders Chalkor Epexergasias Metallon and the European Commission to bear their own costs.

(¹) OJ C 82, 2.4.2005.

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

(Case T-25/05) (¹)

(Competition — Agreements, decisions and concerted practices — Copper plumbing tube industry — Decision finding an infringement of Article 81 EC — Fines — Actual impact on the market — Size of the relevant market — Duration of the infringement — Ability to pay — Cooperation)

(2010/C 179/52)

Language of the case: English

Parties

Applicants: KME Germany AG, formerly KM Europa Metal AG (Osnabrück, Germany); KME France SAS, formerly Tréfinmétaux SA (Courbevoie, France); and KME Italy SpA, formerly Europa Metall SpA (Florence, Italy) (represented by: M. Siragusa, A. Winckler, G.C. Rizza, T. Graf, M. Piergiovanni, lawyers, and R. Elderkin, Barrister)

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

Re:

Application, first, for reduction of the fines imposed on the applicants under Article 2(g), (h) and (i) 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, second, 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;