

2. *Orders Ballast Nedam NV to pay the costs.*

(¹) OJ C 20, 27.1.2007.

**Judgment of the General Court of 27 September 2012 —
Ballast Nedam Infra v Commission**

(Case T-362/06) (¹)

(Competition — Agreements, decisions and concerted practices — Netherlands market in road pavement bitumen — Decision finding an infringement of Article 81 EC — Fines — Proof of the infringement — Gravity of the infringement — Imputability of the unlawful conduct — Rights of the defence — Production of new pleas in the course of proceedings — Unlimited jurisdiction)

(2012/C 355/37)

Language of the case: Dutch

Parties

Applicant: Ballast Nedam Infra BV (Nieuwegein (Netherlands)) (represented: initially by A. Bosman and J. van de Hel, and subsequently by A. Bosman and E. Oude Elferink, lawyers)

Defendant: European Commission (represented by: A. Bouquet, A. Nijenhuis and F. Ronkes Agerbeek, Agents, assisted initially by F. Wijckmans, F. Tuytschaever and L. Gyselen, and subsequently by F. Wijckmans and F. Tuytschaever, lawyers)

Re:

Application, principally, for annulment of Commission Decision C(2006) 4090 final of 13 September 2006 relating to a proceeding under Article 81 [EC] (Case COMP/F/38.456 — Bitumen (Netherlands)) in so far as it concerns the applicant, and, in the alternative, first, for annulment in part of that decision and for reduction of the fine imposed on the applicant and, second, for annulment in part of that decision in so far as it sets the duration of the infringement with respect to the applicant and for a corresponding reduction of the fine imposed on it.

Operative part of the judgment

The Court:

1. Annuls Article 1(a) of Commission Decision C(2006) 4090 final of 13 September 2006 relating to a proceeding under Article 81 [EC] (Case COMP/F/38.456 — Bitumen (Netherlands)) in so far as it concerns the participation of Ballast Nedam Infra BV in the infringement between 21 June 1996 and 30 September 2000;
2. Reduces the amount of the fine imposed jointly and severally on Ballast Nedam Infra in Article 2(a) of that decision to EUR 3.45 million;
3. Orders each party to bear its own costs.

(¹) OJ C 20, 27.1.2007.

**Judgment of the General Court of 27 September 2012 —
Kuwait Petroleum and Others v Commission**

(Case T-370/06) (¹)

(Competition — Agreements, decisions and concerted practices — Netherlands market in road pavement bitumen — Decision finding an infringement of Article 81 EC — Fines — Cooperation during the administrative procedure — Significant added value — Equal treatment — Rights of the defence)

(2012/C 355/38)

Language of the case: English

Parties

Applicants: Kuwait Petroleum Corp. (Shuwaikh, Kuwait), Kuwait Petroleum International Ltd (Woking, United Kingdom) and Kuwait Petroleum (Nederland) BV (Rotterdam, Netherlands) (represented by: D. Hull, Solicitor, and G. Berrisch, lawyer)

Defendant: European Commission (represented by: F. Castillo de la Torre, acting as Agent, and by L. Gyselen, lawyer)

Re:

APPLICATION, principally, for annulment of Commission Decision C(2006) 4090 final of 13 September 2006 relating to a proceeding under Article 81 [EC] (Case COMP/F/38.456 — Bitumen (Netherlands)), and, in the alternative, for reduction of the fine imposed on the applicants by that decision.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Kuwait Petroleum Corp., Kuwait Petroleum International Ltd and Kuwait Petroleum (Nederland) BV to pay the costs.

(¹) OJ C 20, 27.1.2007.

**Judgment of the General Court of 27 September 2012 —
Guardian Industries and Guardian Europe v Commission**

(Case T-82/08) (¹)

(Competition — Agreements, decisions and concerted practices — Market for flat glass in the EEA — Decision finding an infringement of Article 81 EC — Price-fixing — Evidence of the infringement — Calculation of the amount of the fines — Exclusion of captive sales — Obligation to state the reasons on which the decision is based — Equal treatment — Mitigating circumstances)

(2012/C 355/39)

Language of the case: English

Parties

Applicants: Guardian Industries Corp. (Dover, Delaware, United States of America); and Guardian Europe Sàrl (Dudelange, Luxembourg) (represented by: S. Völcker, F. Louis, A. Vallery, C. Eggers and H.-G. Kamann, lawyers)