

3. Orders Cixi Jiangnan Chemical Fiber, Cixi Santai Chemical Fiber, Cixi Sansheng Chemical Fiber, Jiangyin Changlong Chemical Fibre, NingBo Dafa Chemical Fiber, Xiake Color Spinning, Zhejiang Waysun Chemical Fiber and Zhejiang Anshun Pettechs Fibre to bear their own costs and to pay, jointly and severally, those incurred by the Council of the European Union;

4. Orders the European Commission to bear its own costs.

(¹) OJ C 55, 7.3.2009.

Judgment of the General Court of 13 September 2013 — Total v Commission

(Case T-548/08) (¹)

(Competition — Agreements, decisions and concerted practices — Paraffin waxes market — Slack wax market — Decision finding an infringement of Article 81 EC — Price-fixing and market-sharing — Rights of the defence — Principle of the legality of criminal offences and penalties — Presumption of innocence — Attributability of the unlawful conduct — Liability of a parent company for infringements of the competition rules committed by its subsidiaries — Decisive influence exercised by the parent company — Presumption where the parent company holds nearly 100 % of the shares)

(2013/C 313/32)

Language of the case: French

Parties

Applicant: Total SA (Courbevoie, France) (represented by: É. Morgan de Rivery and A. Noël-Baron, lawyers)

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

Re:

Primarily, application for annulment of Commission Decision C(2008) 5476 final of 1 October 2008, relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39.181 — Candle waxes), and, in the alternative, application for annulment or reduction of the fine imposed on the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Total SA to bear its own costs and to pay those of the European Commission.

(¹) OJ C 44, 21.2.2009.

Judgment of the General Court of 13 September 2013 — Total Raffinage Marketing v Commission

(Case T-566/08) (¹)

(Competition — Agreements, decisions and concerted practices — Paraffin waxes market — Slack wax market — Decision finding an infringement of Article 81 EC — Price-fixing and market-sharing — Proof of the existence of the cartel — Concept of a single and continuous infringement — Duration of the infringement — Interruption of the infringement — 2006 Guidelines on the method of setting fines — Equal treatment — Presumption of innocence — Attributability of the unlawful conduct — Liability of a parent company for infringements of the competition rules committed by its subsidiaries — Decisive influence exercised by the parent company — Presumption where the parent company holds 100 % of the shares — Proportionality — Rounding method — Unlimited jurisdiction)

(2013/C 313/33)

Language of the case: French

Parties

Applicant: Total Raffinage Marketing (Puteaux, France) (represented by: A. Vandencastele, C. Falmagne, C. Lemaire and S. Naudin, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre and A. Biolan, acting as Agents, and by N. Coutrelis, lawyer)

Re:

Primarily, application for annulment in part of Commission Decision C(2008) 5476 final of 1 October 2008, relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39.181 — Candle waxes), and, in the alternative, application for reduction of the fine imposed on the applicant.

Operative part of the judgment

The Court:

1. Orders the fine imposed on Total Raffinage Marketing in Article 2 of Commission Decision C(2008) 5476 final of 1 October 2008, relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39.181 — Candle waxes) to be set at EUR 125 459 842;
2. Dismisses the action as to the remainder;
3. Orders Total Raffinage Marketing to bear nine-tenths of its own costs and to pay nine-tenths of the costs of the European Commission. The European Commission is to bear one-tenth of its own costs and to pay one-tenth of the costs incurred by Total Raffinage Marketing.

(¹) OJ C 55, 7.3.2009.