

Operative part of the judgment

The Court:

1. Sets the amount of the fine imposed on Nynas Petróleo, SA in Article 2 of Commission Decision C(2007) 4441 final of 3 October 2007 relating to a proceeding under Article 81 [EC] (Case COMP/38.710 — Bitumen (Spain)) at EUR 10 406 000, and the amount of the fine imposed on Nynäs Petroleum, AB in Article 2 of that decision at EUR 10 164 000;
2. Dismisses the remaining heads of claim in the application;
3. Orders each party to bear its own costs.

(¹) OJ C 51, 23.2.2008.

Judgment of the General Court (Eighth Chamber) of 16 September 2013 — PROAS v European Commission

(Case T-495/07) (¹)

(Competition — Agreements, decisions and concerted practices — Spanish market for penetration bitumen — Decision finding an infringement of Article 81 EC — Annual market-sharing and price-fixing agreements — Translation of the statement of objections — Calculation of the amount of the fine — Reasonable time — Res judicata)

(2013/C 336/27)

Language of the case: Spanish

Parties

Applicant: Productos Asfálticos (PROAS), SA (Madrid, Spain) (represented: initially by C. Fernández Vicién, A. Pereda Miquel and P. Carmona Botana, then C. Fernández Vicién and A. Pereda Miquel and finally C. Fernández Vicién, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre, acting as Agent, assisted initially by J. Rivas Andrés, lawyer, and M. Heenan Bróna, Solicitor, then J. Rivas Andrés and J. Gutiérrez Gisbert, lawyers, and finally J. Rivas Andrés)

Re:

Application for annulment of Decision C(2007) 4441 final of the Commission, of 3 October 2007, relating to a procedure of application of Article 81 (EC) [Case COMP/38.710 — Bitumen (Spain)], and the reduction of the amount of the fine imposed on the applicant by that decision.

Operative part of the judgment

The Court:

1. Dismisses the action.

2. Dismisses the claim of the European Commission seeking an increase of the amount of the fine.

3. Orders Productos Asfálticos (PROAS), SA to pay the costs.

(¹) OJ C 64, 8.3.2008.

Judgment of the General Court of 16 September 2013 — Repsol Lubricantes y Especialidades and Others v Commission

(Case T-496/07) (¹)

(Competition — Agreements, decisions and concerted practices — Spanish market for penetration bitumen — Annual market-sharing and price-fixing agreements — Rights of defence — Imputability of the unlawful conduct — Principle that penalties must be specific to the offender — Calculation of the amount of the fine — Res judicata)

(2013/C 336/28)

Language of the case: Spanish

Parties

Applicants: Repsol Lubricantes y Especialidades, SA, formerly Repsol Lubricantes YPF y Especialidades, SA (Madrid, Spain); Repsol Petróleo, SA (Madrid); and Repsol, SA, formerly Repsol YPF, SA (Madrid) (represented by: L. Ortiz Blanco, J. Buendía Sierra, M. Muñoz de Juan and Á. Givaja Sanz, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre and C. Urraca Caviedes, acting as Agents)

Re:

Application for annulment of Commission Decision C(2007) 4441 final of 3 October 2007 relating to a proceeding under Article 81 [EC] (Case COMP-38.710 Bitumen (Spain)), and for reduction in the amount of the fine imposed on the applicant in that decision.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Dismisses the claim of the European Commission seeking an increase of the amount of the fine;
3. Orders Repsol Lubricantes y Especialidades, SA, Repsol Petróleo, SA and Repsol, SA to pay the costs.

(¹) OJ C 64, 8.3.2008.