

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders *El du Pont de Nemours and Company* to pay the costs.

(<sup>1</sup>) OJ C 194, 30.6.2012.

**Judgment of the Court (Ninth Chamber) of 26 September 2013 — The Dow Chemical Company v European Commission**

(Case C-179/12 P) (<sup>1</sup>)

*(Appeal — Competition — Agreements, decisions and concerted practices — Market for chloroprene rubber — Price-fixing and market-sharing — Infringement of Article 81 EC — Imputability of the unlawful conduct of a subsidiary to its parent company — Joint control by two parent companies — Decisive influence — Rights of defence — Increase in the fine — Deterrent effect)*

(2013/C 344/47)

Language of the case: English

**Parties**

*Appellant:* The Dow Chemical Company (represented by: D. Schroeder, Rechtsanwalt)

*Other party to the proceedings:* European Commission (represented by: P. Van Nuffel, V. Bottka and L. Malferrari, acting as Agents)

**Re:**

Appeal against the judgment of the General Court (Seventh Chamber) of 2 February 2012 in Case T-77/08 *The Dow Chemical Company v European Commission* in which that Court dismissed an action for the partial annulment of Commission Decision C(2007) 5910 final of 5 December 2007 relating to a proceeding under Article 81 EC and Article 53 of the EEA Agreement (Case COMP/F/38.629 — Chloroprene Rubber) concerning a cartel on the market for chloroprene rubber in the European Economic Area (EEA), relating to market-sharing and price-fixing, and, in the alternative, a reduction in the amount of the fine imposed on the applicant — Joint venture — Imputability of the unlawful conduct

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders *The Dow Chemical Company* to pay the costs.

(<sup>1</sup>) OJ C 184, 23.6.2012.

**Judgment of the Court (Fourth Chamber) of 26 September 2013 (request for a preliminary ruling from the Cour constitutionnelle — Belgium) — Industrie du bois de Vielsalm & Cie (IBV) SA v Région wallonne**

(Case C-195/12) (<sup>1</sup>)

*(Directive 2004/8/EC — Scope — Cogeneration and high efficiency cogeneration — Article 7 — Regional support scheme providing for the grant of ‘green certificates’ to cogeneration plants — Grant of a larger number of green certificates to cogeneration plants processing principally forms of biomass other than wood or wood waste — Principle of equality and non-discrimination — Articles 20 and 21 of the Charter of Fundamental Rights of the European Union)*

(2013/C 344/48)

Language of the case: French

**Referring court**

Cour constitutionnelle

**Parties to the main proceedings**

*Applicant:* Industrie du bois de Vielsalm & Cie (IBV) SA

*Defendant:* Région wallonne

**Re:**

Request for a preliminary ruling — Cour constitutionnelle — Interpretation of Article 7 of Directive 2004/8/EC of the European Parliament and of the Council of 11 February 2004 on the promotion of cogeneration based on a useful heat demand in the internal energy market and amending Directive 92/42/EEC (OJ 2004 L 52, p. 50) — Interpretation of Articles 2 and 4 of Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market (OJ 2001 L 283, p. 33) — Interpretation of Article 22 of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ 2009 L 140, p. 16) — Interpretation of Article 6 TEU and Articles 20 and 21 of the Charter of Fundamental Rights of the European Union — Financial support schemes limited to high-efficiency cogeneration plants — Obligation, authorisation or prohibition of excluding from support cogeneration plants using principally wood or wood waste — Conformity of legislation with the principle of equal treatment

**Operative part of the judgment**

1. Article 7 of Directive 2004/8/EC of the European Parliament and of the Council of 11 February 2004 on the promotion of cogeneration based on a useful heat demand in the internal energy