

Judgment of the General Court of 6 February 2014 — Elf Aquitaine v Commission

(Case T-40/10) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European markets in tin heat stabilisers and ESBO/esters heat stabilisers — Decision finding two infringements of Article 81 EC and Article 53 of the EEA Agreement — Fines — Application for annulment — Rights of the defence — Late notification of Commission's investigation — Duration of the administrative procedure — Liability of a parent company for infringements of competition rules committed by its subsidiaries — Presumption of actual exercise of decisive influence — Duration of the infringements — Limitation — Legitimate interest in finding that an infringement was committed — Fines imposed on a parent company differing in amount from those imposed on a subsidiary — Unlimited jurisdiction)

(2014/C 78/13)

Language of the case: French

Parties

Applicant: Elf Aquitaine (Courbevoie, France) (represented by: É. Morgan de Rivery, S. Thibault-Liger, A. Noël-Baron, lawyers)

Defendant: European Commission (represented by: P. Van Nuffel, J. Bourke and A. Biolan, Agents)

Re:

Application for annulment of Commission Decision C(2009) 8682 final of 11 November 2009 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/38.589 — Heat Stabilisers), or, in the alternative, for a reduction of the fines imposed.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Elf Aquitaine SA to pay the costs.

⁽¹⁾ OJ C 100, 17.4.2010.

Judgment of the General Court of 6 February 2014 — CEEES and Asociación de Gestores de Estaciones de Servicio v Commission

(Case T-342/11) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Spanish service station market — Decision dismissing a complaint — Regulation (EC) No 1/2003 — Failure to fulfil obligations made compulsory by a Commission decision — Reopening of the proceedings — Fines — Periodic penalty payments)

(2014/C 78/14)

Language of the case: Spanish

Parties

Applicants: Confederación Española de Empresarios de Estaciones de Servicio (CEEES) (Madrid, Spain) and Asociación de Gestores de Estaciones de Servicio (Madrid) (represented by: A. Hernández Pardo and B. Marín Corral, lawyers)

Defendant: European Commission (represented by: J. Baquero Cruz and F. Ronkes Agerbeek, Agents)

Interveners in support of the defendant: Kingdom of Spain (represented by: initially M. Muñoz Pérez, then S. Centeno Huerta, and finally A. Rubio González, Abogados del Estado) and Repsol Comercial de Productos Petrolíferos, S.A. (represented by: J. Jiménez-Laiglesia Oñate and S. Rivero Mena, lawyers)

Re:

Action for annulment of Commission Decision C(2011) 2994 final of 28 April 2011 dismissing the complaint brought by the applicants regarding infringements of the competition rules committed by Repsol (Case COMP/39.461).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Confederación Española de Empresarios de Estaciones de Servicio (CEEES) and the Asociación de Gestores de Estaciones de Servicio to bear their own costs and those incurred by the European Commission;
3. Orders the Kingdom of Spain to bear its own costs;
4. Orders Repsol Comercial de Productos Petrolíferos, S.A. to bear its own costs.

⁽¹⁾ OJ C 252, 27.8.2011.