

Re:

Application for the partial 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 for the reduction of the fine it imposes on the applicants.

Operative part of the judgment

The Court:

1. Sets the amount of the fine imposed on Esso Société anonyme française 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) at EUR 62 712 895;
2. Dismisses the action as to the remainder;
3. Orders the European Commission to bear its own costs and to pay those incurred by Esso Société anonyme française;
4. Orders Esso Deutschland GmbH, ExxonMobil Petroleum and Chemical BVBA and Exxon Mobil Corp. to bear their own costs.

⁽¹⁾ OJ C 44, 21.2.2009.

Judgment of the General Court of 11 July 2014 — Sasol and Others v Commission

(Case T-541/08) ⁽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 — Liability of a parent company for the infringements of the competition rules committed by its subsidiaries and by a joint venture owned in part by it — Decisive influence exercised by the parent company — Presumption where the parent company holds 100 % of the shares — Succession of undertakings — Proportionality — Equal treatment — 2006 Guidelines on the method of setting fines — Aggravating circumstances — Role of leader — Setting a limit on the fine — Unlimited jurisdiction)

(2014/C 292/29)

Language of the case: English

Parties

Applicants: Sasol (Rosebank, South Africa); Sasol Holding in Germany GmbH (Hamburg, Germany); Sasol Wax International AG (Hamburg); and Sasol Wax GmbH (Hamburg) (represented by: W. Bosch, U. Denzel, C. von Köckritz, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre and R. Sauer, Agents, and by M. Gray, Barrister)

Re:

Application, primarily, for annulment in part of the Commission's 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, for annulment or reduction of the fine imposed on the applicants.

Operative part of the judgment

The Court:

1. Annuls Article 1 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) in so far as the European Commission found therein that Sasol Holding in Germany GmbH and Sasol had participated in the infringement before 1 July 2002;

2. Reduces the amount of the fine imposed on Sasol Wax GmbH to the sum of EUR 149 982 197 for the payment of which, first, Sasol Wax International AG shall be jointly and severally liable to the extent of EUR 119 122 197 and, secondly, Sasol and Sasol Holding in Germany shall be jointly and severally liable to the extent of EUR 71 042 197;
3. Dismisses the action as to the remainder;
4. Orders the Commission to bear its own costs and to pay two thirds of the costs incurred by Sasol, Sasol Holding in Germany, Sasol Wax International and Sasol Wax;
5. Orders Sasol, Sasol Holding in Germany, Sasol Wax International and Sasol Wax to bear one third of their own costs.

⁽¹⁾ OJ C 44, 21.2.2009.

Judgment of the General Court of 11 July 2014 — RWE and RWE Dea v Commission

(Case T-543/08) ⁽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 — Liability of a parent company for the infringements of the competition rules committed by its subsidiary and by a joint venture owned in part by it — Decisive influence exercised by the parent company — Presumption where the parent company holds 100 % of the shares — Succession of undertakings — Proportionality — Equal treatment — 2006 Guidelines on the method of setting fines — Unlimited jurisdiction)

(2014/C 292/30)

Language of the case: German

Parties

Applicants: RWE AG (Essen, Germany); and RWE Dea AG (Hamburg, Germany) (represented by: C. Stadler, M. Röhrig and S. Budde, lawyers)

Defendant: European Commission (represented by: A. Antoniadis and R. Sauer, Agents)

Re:

Application, primarily, for annulment of Articles 1 and 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), in so far as it concerns the applicants, and, in the alternative, for the reduction of the fine imposed on them.

Operative part of the judgment

The Court:

1. Annuls Article 1 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) in so far as the European Commission found therein that RWE AG and RWE Dea AG had participated in the infringement after 2 January 2002;
2. Sets the amount of the fine imposed on RWE and RWE Dea at EUR 35 888 562;
3. Dismisses the action as to the remainder;