

Order of the General Court of 15 December 2015 — CCPL and Others v Commission(Case T-522/15) ⁽¹⁾**(Interim proceedings — Competition — Retail food packaging — Decision imposing fines — Bank guarantee — Application for a stay of execution — Fumus boni juris — Urgency — Balance of interests)**

(2016/C 078/30)

Language of the case: Italian

Parties

Applicants: CCPL — Consorzio Cooperative di Produzione e Lavoro SC (Reggio d'Emilia, Italy), Coopbox group SpA (Reggio d'Emilia), Poliemme Srl (Reggio d'Emilia), Coopbox Hispania, SL (Lorca, Spain), Coopbox Eastern s.r.o. (Nové Mesto nad Váhom, Slovakia) (represented by: S. Bariatti and E. Cucchiara, lawyers)

Defendant: European Commission (represented initially by: F. Jimeno Fernandez, A. Biolan and P. Rossi, and subsequently by: F. Jimeno Fernandez, P. Rossi and L. Malferrari, acting as Agents)

Re:

Application for a stay of execution of Commission Decision No C(2015) 4336 final of 24 June 2015 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (AT.39563 — Retail food packaging), in so far as it requires the applicants to supply a bank guarantee or to make provisional payment of the amount of the fines imposed as a condition for the avoidance of the immediate recovery of that sum.

Operative part of the order

1. *The obligation on the applicants, CCPL — Consorzio Cooperative di Produzione e Lavoro SC, Coopbox group SpA, Poliemme Srl, Coopbox Hispania, SL and Coopbox Eastern s.r.o. to provide a bank guarantee in favour of the European Commission to avoid the immediate recovery of the fines imposed on them under Article 2 of Commission Decision No C(2015) 4336 final of 24 June 2015 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (AT.39563 — Retail food packaging) is suspended, provided that:*

- *within one month from service of this order, then every three months until adoption of the decision in the main proceedings and at each event liable to affect their future capacity to pay the fines imposed, the applicants submit a detailed written report to the Commission on the implementation of the restructuring plan of the CCPL group and on the amount of revenue derived from the sale of its assets both in implementation and 'outside' that plan;*
- *the applicants pay the Commission the sum of EUR 5 million as soon as they have obtained the sum from that sale, and the entirety of the revenue derived from the proposed transfer of the interests in Refincoop SpA, Erzelli Energia Srl and Smec Srl, as soon as that revenue has been obtained;*

2. *The costs are reserved.*

⁽¹⁾ OJ C 354, 26.10.2015.