

**Judgment of the General Court of 27 June 2012 — YKK and Others v Commission**

(Case T-448/07) <sup>(1)</sup>

*(Competition — Agreements, decisions and concerted practices — Markets for zip fasteners and ‘other fasteners’, and for attaching machines — Decision finding an infringement of Article 81 EC — Coordinated price increases, fixing of minimum prices, customer-sharing, market-sharing and exchange of other commercial information — Single and continuous infringement — Evidence — Nature and implementation of the infringement — Real impact — Leniency Notice — Fines — Upper limit — Dissuasive effect of the fine — Equal treatment — Proportionality)*

(2012/C 243/22)

Language of the case: English

**Parties**

*Applicants:* YKK Corp. (Tokyo, Japan), YKK Holding Europe BV (Sneek, Netherlands), YKK Stocko Fasteners GmbH (Wuppertal, Germany) (represented initially by H. Kaneko and C. Verannemann, lawyers, and subsequently by H. Kaneko, G. Williamson, Solicitor, and N. Green QC,

*Defendant:* European Commission (represented by: A. Bouquet and K. Mojzesowicz, acting as Agents)

**Re:**

Application for, primarily, annulment of Commission Decision C(2007) 4257 final of 19 September 2007 relating to a proceeding under Article 81 [EC] (Case COMP/39.168 — PO/Hard Haberdashery: Fasteners) in so far as it concerns the applicants and, in the alternative, annulment or reduction of their respective fines

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders YKK Corp., YKK Holding Europe BV and YKK Stocko Fasteners GmbH to pay the costs.

<sup>(1)</sup> OJ C 51, 23.2.2008.

**Judgment of the General Court of 5 July 2012 — Greece v Commission**

(Case T-86/08) <sup>(1)</sup>

*(EAGGF — Guarantee Section — Expenditure excluded from financing — Fruit and vegetables — Rural development — Non-compliance with payment deadlines — Compliance with a judgment of the Court — Authority of res judicata — Time-limit of 24 months — Principle of proportionality)*

(2012/C 243/23)

Language of the case: Greek

**Parties**

*Applicant:* Hellenic Republic (represented: initially by V. Kontolaimos, S. Charitaki and M. Tassopoulou and subsequently by M. Tassopoulou and I. Chalkias and K. Tsagaropoulos, acting as Agents)

*Defendant:* European Commission (represented by: H. Tserepalacombe, acting as Agent, and P. Katsimani, lawyers)

**Re:**

Application for annulment of Commission Decision 2008/68/EC of 20 December 2007 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2008 L 18, p. 12) in so far as it relates to certain expenditure incurred by the Hellenic Republic.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders the Hellenic Republic to pay the costs.

<sup>(1)</sup> OJ C 142, 7.6.2008.

**Judgment of the General Court of 27 June 2012 — Microsoft v Commission**

(Case T-167/08) <sup>(1)</sup>

*(Competition — Abuse of dominant position — Client PC operating systems — Work group server operating systems — Refusal of the dominant undertaking to supply and authorise the use of interoperability information — Fulfilment of obligations under a decision finding an infringement and imposing behavioural measures — Periodic penalty payment)*

(2012/C 243/24)

Language of the case: English

**Parties**

*Applicant:* Microsoft Corp. (Redmond, Washington, United States) (represented by: J.-F. Bellis, lawyer, and I. Forrester QC)