

**Judgment of the General Court of 13 September 2013 —
Huvis v Council**

(Case T-536/08) ⁽¹⁾

(Dumping — Imports of polyester staple fibres originating in South Korea — Maintenance of anti-dumping duties following a partial interim review — Action for annulment — Direct and individual concern — Admissibility — Equal treatment and non-discrimination — Article 9(5) and Article 21(1) of Regulation (EC) No 384/96 (now Article 9(5) and Article 21(1) of Regulation (EC) No 1225/2009))

(2013/C 313/30)

Language of the case: English

Parties

Applicant: Huvis Corp. (Seoul, South Korea) (represented: initially by J.-F. Bellis, F. Di Gianni and R. Antonini, and subsequently by J.-F. Bellis, F. Di Gianni and A. Scalini, lawyers)

Defendant: Council of the European Union (represented by: J.-P. Hix and B. Driessen, Agents, assisted initially by G. Berrisch and G. Wolf, and subsequently by G. Berrisch, lawyers)

Intervener in support of the defendant: European Commission (represented: initially by M. França and H. van Vliet, and subsequently by M. França and J.-F. Brakeland, Agents)

Re:

Action for annulment of Council Regulation (EC) No 893/2008 of 10 September 2008 maintaining the anti-dumping duties on imports of polyester staple fibres originating in Belarus, the People's Republic of China, Saudi Arabia and Korea following a partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 (OJ 2008 L 247, p. 1), as regards the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Huvis Corp. to bear its own costs and to pay those incurred by the Council of the European Union;
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 55, 7.3.2009.

**Judgment of the General Court of 13 September 2013 —
Cixi Jiangnan Chemical Fiber and Others v Council**

(Case T-537/08) ⁽¹⁾

(Dumping — Imports of polyester staple fibres originating in China — Maintenance of anti-dumping duties following a partial interim review — Action for annulment — Direct and individual concern — Admissibility — Equal treatment and non-discrimination — Article 9(5) and Article 21(1) of Regulation (EC) No 384/96 (now Article 9(5) and Article 21(1) of Regulation (EC) No 1225/2009))

(2013/C 313/31)

Language of the case: English

Parties

Applicants: Cixi Jiangnan Chemical Fiber Co. Ltd (Cixi, China); Cixi Santai Chemical Fiber Co. Ltd (Cixi); Cixi Sansheng Chemical Fiber Co. Ltd (Cixi); Jiangyin Changlong Chemical Fibre Co. Ltd (Jiangyin, China); NingBo Dafa Chemical Fiber Co. Ltd (Cixi); Xiake Color Spinning Co. Ltd (Jiangyin); Zhejiang Waysun Chemical Fiber Co. Ltd (Cixi); and Zhejiang Anshun Pettechs Fibre Co. Ltd (Fuyang, China) (represented initially by J.-F. Bellis, lawyer, and G. Vallera, Barrister, and subsequently by J.-F. Bellis, A. Scalini and F. Di Gianni, lawyers)

Defendant: Council of the European Union (represented by J.-P. Hix and B. Driessen, Agents, assisted initially by G. Berrisch and G. Wolf, lawyers, and subsequently by G. Berrisch)

Intervener in support of the defendant: European Commission (represented initially by M. França and H. van Vliet, and subsequently by M. França and J.-F. Brakeland, Agents)

Re:

Action for annulment of Council Regulation (EC) No 893/2008 of 10 September 2008 maintaining the anti-dumping duties on imports of polyester staple fibres originating in Belarus, the People's Republic of China, Saudi Arabia and Korea following a partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 (OJ 2008 L 247, p. 1), as regards the applicants.

Operative part of the judgment

The Court:

1. Dismisses the action as inadmissible in so far as it has been brought by Cixi Santai Chemical Fiber Co. Ltd, Cixi Sansheng Chemical Fiber Co. Ltd, NingBo Dafa Chemical Fiber Co. Ltd, Zhejiang Waysun Chemical Fiber Co. Ltd and Zhejiang Anshun Pettechs Fibre Co. Ltd;
2. Dismisses the action as unfounded in so far as it has been brought by Cixi Jiangnan Chemical Fiber Co. Ltd, Jiangyin Changlong Chemical Fibre Co. Ltd and Xiake Color Spinning Co. Ltd;

3. Orders Cixi Jiangnan Chemical Fiber, Cixi Santai Chemical Fiber, Cixi Sansheng Chemical Fiber, Jiangyin Changlong Chemical Fibre, NingBo Dafa Chemical Fiber, Xiake Color Spinning, Zhejiang Waysun Chemical Fiber and Zhejiang Anshun Pettechs Fibre to bear their own costs and to pay, jointly and severally, those incurred by the Council of the European Union;
4. Orders the European Commission to bear its own costs.

(¹) OJ C 55, 7.3.2009.

**Judgment of the General Court of 13 September 2013 —
Total v Commission**

(Case T-548/08) (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 — Rights of the defence — Principle of the legality of criminal offences and penalties — Presumption of innocence — Attributability of the unlawful conduct — Liability of a parent company for infringements of the competition rules committed by its subsidiaries — Decisive influence exercised by the parent company — Presumption where the parent company holds nearly 100 % of the shares)

(2013/C 313/32)

Language of the case: French

Parties

Applicant: Total SA (Courbevoie, France) (represented by: É. Morgan de Rivery and A. Noël-Baron, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre and É. Gippini Fournier, acting as Agents)

Re:

Primarily, application for 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, in the alternative, application for annulment or reduction of the fine imposed on the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Total SA to bear its own costs and to pay those of the European Commission.

(¹) OJ C 44, 21.2.2009.

**Judgment of the General Court of 13 September 2013 —
Total Raffinage Marketing v Commission**

(Case T-566/08) (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 — Proof of the existence of the cartel — Concept of a single and continuous infringement — Duration of the infringement — Interruption of the infringement — 2006 Guidelines on the method of setting fines — Equal treatment — Presumption of innocence — Attributability of the unlawful conduct — Liability of a parent company for infringements of the competition rules committed by its subsidiaries — Decisive influence exercised by the parent company — Presumption where the parent company holds 100 % of the shares — Proportionality — Rounding method — Unlimited jurisdiction)

(2013/C 313/33)

Language of the case: French

Parties

Applicant: Total Raffinage Marketing (Puteaux, France) (represented by: A. Vandencastele, C. Falmagne, C. Lemaire and S. Naudin, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre and A. Biolan, acting as Agents, and by N. Coutrelis, lawyer)

Re:

Primarily, application for annulment in part 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, in the alternative, application for reduction of the fine imposed on the applicant.

Operative part of the judgment

The Court:

1. Orders the fine imposed on Total Raffinage Marketing 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) to be set at EUR 125 459 842;
2. Dismisses the action as to the remainder;
3. Orders Total Raffinage Marketing to bear nine-tenths of its own costs and to pay nine-tenths of the costs of the European Commission. The European Commission is to bear one-tenth of its own costs and to pay one-tenth of the costs incurred by Total Raffinage Marketing.

(¹) OJ C 55, 7.3.2009.