

## GENERAL COURT

### Judgment of the General Court of 17 December 2009 — Solvay v Commission

(Case T-57/01) <sup>(1)</sup>

*(Competition — Abuse of a dominant position — Market in soda ash in the Community (with the exception of the United Kingdom and Ireland) — Decision finding an infringement of Article 82 EC — Supply agreements for an excessively long period — Fidelity rebate — Expiry of limitation period applicable to Commission power to impose fines or sanctions — Reasonable time — Essential procedural requirements — Relevant geographic market — Existence of a dominant position — Abuse of a dominant position — Right of access to the file — Fine — Gravity and duration of the infringement — Aggravating circumstances — Repetition of infringement — Mitigating circumstances)*

(2010/C 37/38)

Language of the case: French

#### Parties

*Applicant:* Solvay SA (Brussels, Belgium) (represented by: L. Simont, P.-A. Foriers, G. Block, F. Louis and A. Vallery, lawyers)

*Defendant:* European Commission (represented by: P. Oliver and J. Currall, Agents, assisted by N. Coutrelis, lawyer)

#### Re:

First, application for annulment of Commission Decision 2003/6/EC of 13 December 2000 relating to a proceeding pursuant to Article 82 [EC] (Case COMP/33.133 — C: Soda ash — Solvay) (OJ 2003 L 10, p. 10) and, in the alternative, application for annulment or reduction of the fine imposed on the applicant.

#### Operative part of the judgment

*The Court:*

1. Fixes the fine imposed on Solvay SA in Article 2 of Commission Decision 2003/6/EC of 13 December 2000 relating to a proceeding pursuant to Article 82 [EC] (Case COMP/33.133 — C: Soda ash — Solvay) at EUR 19 million;
2. Dismisses the action as to the remainder.

<sup>(1)</sup> OJ C 161, 2.6.2001.

### Judgment of the General Court of 17 December 2009 — Solvay v Commission

(Case T-58/01) <sup>(1)</sup>

*(Competition — Restrictive practices — Market in soda ash in the Community — Decision finding an infringement of Article 81 EC — Agreement guaranteeing to an undertaking a minimum tonnage of sales in a Member State and the purchase of sufficient quantities to achieve that minimum tonnage — Expiry of limitation period applicable to Commission power to impose fines or sanctions — Reasonable time — Essential procedural requirements — Effect on trade between Member States — Right of access to the file — Fine — Gravity and duration of the infringement — Aggravating and mitigating circumstances)*

(2010/C 37/39)

Language of the case: French

#### Parties

*Applicant:* Solvay (Brussels, Belgium) (represented by: L. Simont, P.-A. Foriers, G. Block, F. Louis and A. Vallery, lawyers)

*Defendant:* European Commission (represented by: P. Oliver and J. Currall, Agents, assisted by N. Coutrelis, lawyer)

#### Re:

First, application for annulment of Commission Decision 2003/5/EC of 13 December 2000 relating to a proceeding pursuant to Article 81 [EC] (Case COMP/33.133 — B: Soda ash — Solvay, CFK) (OJ 2003 L 10, p. 1) and, in the alternative, application for annulment or reduction of the fine imposed on the applicant.

#### Operative part of the judgment

*The Court:*

1. Annuls Article 1 of Commission Decision 2003/5/EC of 13 December 2000 relating to a proceeding pursuant to Article 81 [EC] (Case COMP/33.133 — B: Soda ash — Solvay, CFK) to the extent that it finds that Solvay SA infringed the provisions of Article 81 EC in 1990;