

**Judgment of the Court of First Instance (Third Chamber) of
8 July 2008 — BPB v Commission**

(Case T-53/03) ⁽¹⁾

(Competition — Cartels — Plasterboard market — Decision finding an infringement of Article 81 EC — Single and continuous infringement — Repeated infringement — Fine — Guidelines on the method of setting fines — Leniency Notice)

(2008/C 209/69)

Language of the case: English

Parties

Applicant: BPB plc (Slough, United Kingdom) (represented by: T. Sharpe QC, and A. Nourry, Solicitor)

Defendant: Commission of the European Communities (represented by: F. Castillo de la Torre, Agent, J. Flynn QC, and C. Kilroy, Barrister)

Re:

Application for annulment in part of Commission Decision 2005/471/EC of 27 November 2002 relating to a proceeding under Article 81 [EC] against BPB plc, Gebrüder Knauf Westdeutsche Gipswerke KG, Société Lafarge SA and Gyproc Benelux NV (Case No COMP/E-1/37.152 — Plasterboard) (OJ 2005 L 166, p. 8), or, in the alternative, annulment or reduction of the fine imposed on the applicant.

Operative part of the judgment

The Court:

1. Sets the amount of the fine imposed on BPB plc by Article 3 of Commission Decision 2005/471/EC of 27 November 2002 relating to a proceeding under Article 81 [EC] against BPB plc, Gebrüder Knauf Westdeutsche Gipswerke KG, Société Lafarge SA and Gyproc Benelux NV (Case No COMP/E-1/37.152 — Plasterboard) at EUR 118,8 million;
2. Dismisses the action as to the remainder;
3. Orders the Commission to pay one tenth of its own costs and one tenth of the costs incurred by BPB;
4. Orders BPB to pay nine tenths of its own costs and nine tenths of the costs incurred by the Commission.

⁽¹⁾ OJ C 101, 26.4.2003.

**Judgment of the Court of First Instance of 8 July 2008 —
Lafarge v Commission**

(Case T-54/03) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Plasterboard market — Decision finding an infringement of Article 81 EC — Liability — Deterrence — Repeat infringement — Fine — Guidelines on the method of setting fines)

(2008/C 209/70)

Language of the case: French

Parties

Applicant: Lafarge SA (Paris, France) (represented by: H. Lesguillons, J.-C. Bermond, N. Jalabert-Doury, A. Winckler, F. Brunet and I. Simic initially, then by N. Jalabert-Doury, A. Winckler and F. Brunet, lawyers)

Defendant: Commission of the European Communities (represented by: F. Castillo de la Torre and C. Ingen-Housz initially, then by F. Castillo de la Torre and F. Arbault, Agents)

Intervener in support of the defendant: Council of the European Union (represented by: S. Marquardt and E. Karlsson, Agents)

Re:

Application for annulment of Commission Decision 2005/471/EC of 27 November 2002 relating to proceedings under Article 81 [EC] against BPB plc, Gebrüder Knauf Westdeutsche Gipswerke KG, Société Lafarge SA and Gyproc Benelux NV (Case No COMP/E-1/37.152 — Plasterboard) (OJ 2005 L 166, p. 8), or, in the alternative, an application for the annulment of or a reduction in the fine imposed on the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Lafarge SA to bear its own costs and to pay those incurred by the Commission;
3. Orders the Council to bear its own costs.

⁽¹⁾ OJ C 101, 26.4.2003.