

## GENERAL COURT

**Judgment of the General Court of 7 March 2012 — British Aggregates v Commission**(Case T-210/02 RENV) <sup>(1)</sup>*(State aid — Environmental tax on aggregates in the United Kingdom — Commission decision not to raise objections — Advantage — Selective nature)*

(2012/C 118/33)

Language of the case: English

**Parties***Applicant:* British Aggregates Association (Lanark, United Kingdom) (represented by: C. Pouncey, J. Coombes, Solicitors, and L. Van den Hende, lawyer)*Defendant:* European Commission (represented by: M. Afonso, J. Flett and B. Martenczuk, Agents)*Intervener in support of the defendant:* United Kingdom of Great Britain and Northern Ireland (represented initially by: T. Harris, and subsequently by S. Ossowski, acting as Agents, and by M. Hall and G. Facenna, Barristers)**Re:**

Application for partial annulment of Commission Decision C(2002) 1478 final of 24 April 2002 on State aid file N 863/01 — United Kingdom/Aggregates Levy.

**Operative part of the judgment***The Court:*

1. Annuls Commission Decision C(2002) 1478 final of 24 April 2002 on State aid file N 863/01 — United Kingdom/Aggregates Levy, save as regards the exemption for Northern Ireland;
2. Orders the European Commission to bear its own costs and to pay those incurred by the British Aggregates Association before the Court of Justice and the General Court;
3. Orders the United Kingdom of Great Britain and Northern Ireland to bear its own costs incurred before the Court of Justice and the General Court.

<sup>(1)</sup> OJ C 219, 14.9.2002.**Judgment of the General Court of 6 March 2012 — UPM-Kymmene v Commission**(Case T-53/06) <sup>(1)</sup>*(Competition — Agreements, decisions and concerted practices — Plastic industrial bags sector — Decision finding an infringement of Article 81 EC — Duration of the infringement — Single and continuous infringement — Fines — Gravity of the infringement — Mitigating circumstances — Undertaking playing a passive role — Proportionality)*

(2012/C 118/34)

Language of the case: English

**Parties***Applicant:* UPM-Kymmene Oyj (Helsinki, Finland) (represented initially by: B. Amory, E. Friedel and F. Bimont, subsequently by B. Amory, E. Friedel, F. Bimont and F. Amato, and finally by B. Amory, lawyers)*Defendant:* European Commission (represented by: F. Castillo de la Torre, Agent, and by M. Gray, Barrister)**Re:**

Application for annulment of Commission Decision C(2005) 4634 final of 30 November 2005 relating to a proceeding pursuant to Article 81 [EC] (Case COMP/F/38.354 — Industrial bags).

**Operative part of the judgment***The Court:*

1. Annuls Commission Decision C(2005) 4634 final of 30 November 2005 relating to a proceeding pursuant to Article 81 [EC] (Case COMP/F/38.354 — Industrial bags) in so far as it holds UPM-Kymmene Oyj liable for the single and continuous infringement referred to in Article 1(1) thereof, in respect of the period prior to 10 October 1995;
2. Sets the amount of the fine imposed by Article 2(j) of that decision at EUR 50.7 million;
3. Dismisses the action as to the remainder;
4. Orders the European Commission and UPM-Kymmene each to bear their own costs.

<sup>(1)</sup> OJ C 86, 8.4.2006.