

**Judgment of the General Court of 16 November 2011 —
Groupe Gascogne v Commission**

(Case T-72/06) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Plastic industrial bags sector — Decision finding an infringement of Article 81 EC — Imputability of the unlawful conduct — Fines — Maximum limit of 10 % of turnover — Proportionality)

(2012/C 6/15)

Language of the case: French

Parties

Applicant: Groupe Gascogne SA (St Paul-lès-Dax, France) (represented initially by: C. Lazarus, then by P. Hubert and E. Durand, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre and F. Arbault, then by F. Castillo de la Torre and N. von Lingen, acting as Agents)

Re:

Application for annulment in part of Commission Decision C(2005) 4634 final of 30 November 2005 relating to a proceeding under Article 81 [EC] (Case COMP/F/38.354 — Industrial bags), concerning a cartel on the market for plastic industrial bags, and application for amendment of that decision.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Groupe Gascogne SA to pay the costs.

⁽¹⁾ OJ C 96, 22.4.2006.

**Judgment of the General Court of 16 November 2011 —
ASPLA v Commission**

(Case T-76/06) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Plastic industrial bags sector — Decision finding an infringement of Article 81 EC — Exchange of individualised information — Fixing of prices and sales quotas by geographic area — Allocation of customers — Concerted bidding in response to invitations to tender — Single and continuous infringement — Extent of the infringement — Definition of the product market and the geographic market — Guidelines for the calculation of fines — Principles of equal treatment and proportionality — Aggravating and attenuating circumstances — Ceiling of 10 % of turnover)

(2012/C 6/16)

Language of the case: Spanish

Parties

Applicant: Plásticos Españoles, SA (ASPLA) (Torrelavega, Spain) (represented initially by: E. Garayar Gutiérrez and A. García

Castillo, then by E. Garayar Gutiérrez, M. Troncoso Ferrer and C. Ruixó Claramunt, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre, acting as Agent)

Re:

Application for annulment in part of Commission Decision C(2005) 4634 final of 30 November 2005 relating to a proceeding under Article 81 [EC] (Case COMP/F/38.354 — Industrial bags), concerning a cartel on the market for plastic industrial bags, and, in the alternative, for reduction of the fine imposed on the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Plásticos Españoles, SA (ASPLA) to pay the costs.

⁽¹⁾ OJ C 108, 6.5.2006.

**Judgment of the General Court of 16 November 2011 —
Álvarez v Commission**

(Case T-78/06) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Plastic industrial bags sector — Decision finding an infringement of Article 81 EC — Concept of undertaking — Imputability of the unlawful conduct — Presumption of innocence)

(2012/C 6/17)

Language of the case: Spanish

Parties

Applicant: Armando Álvarez, SA (Madrid, Spain) (represented initially by: E. Garayar Gutiérrez and A. García Castillo, then by E. Garayar Gutiérrez, M. Troncoso Ferrer and C. Ruixó Claramunt, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre, acting as Agent)

Re:

Application for annulment in part of Commission Decision C(2005) 4634 final of 30 November 2005 relating to a proceeding under Article 81 [EC] (Case COMP/F/38.354 — Industrial bags), concerning a cartel on the market for plastic industrial bags, and, in the alternative, for reduction of the fine imposed on the applicant.