

*Defendant:* European Commission (represented by: F. Castillo de la Torre, Agent, and by L. Gyselen, lawyer)

**Re:**

APPLICATION, principally, for annulment of Commission Decision C(2006) 4090 final of 13 September 2006 relating to a proceeding under Article 81 [EC] (Case COMP/F/38.456 — Bitumen (Netherlands)) and, in the alternative, for reduction of the fine imposed on the applicants by that decision.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Nynäs Petroleum AB and Nynas Belgium AB to pay the costs.

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(<sup>1</sup>) OJ C 20, 27.1.2007.

**Judgment of the General Court of 27 September 2012 — Total Nederland v Commission**

(Case T-348/06) (<sup>1</sup>)

*(Competition — Agreements, decisions and concerted practices — Netherlands market in road pavement bitumen — Decision finding an infringement of Article 81 EC — Continuous nature of the infringement — Imputability of the unlawful conduct — Fines — Gravity and duration of the infringement)*

(2012/C 355/26)

*Language of the case: English*

**Parties**

*Applicant:* Total Nederland NV (Voorburg, Netherlands) (represented by: A. Vandencastele, lawyer)

*Defendant:* European Commission (represented by: A. Bouquet and F. Castillo de la Torre, Agents)

**Re:**

APPLICATION, principally, for partial annulment of Commission Decision C(2006) 4090 final of 13 September 2006 relating to a proceeding under Article 81 [EC] (Case COMP/F/38.456 — Bitumen (Netherlands)), and, in the alternative, for reduction of the fine imposed on the applicant by that decision.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Total Nederland NV to pay the costs.

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(<sup>1</sup>) OJ C 20, 27.1.2007.

**Judgment of the General Court of 27 September 2012 — Dura Vermeer Groep v Commission**

(Case T-351/06) (<sup>1</sup>)

*(Competition — Agreements, decisions and concerted practices — Netherlands market in road pavement bitumen — Decision finding an infringement of Article 81 EC — Imputability of the unlawful conduct)*

(2012/C 355/27)

*Language of the case: Dutch*

**Parties**

*Applicant:* Dura Vermeer Groep NV (Rotterdam, Netherlands) (represented by: M. Slotboom, lawyer)

*Defendant:* European Commission (represented initially by A. Bouquet and A. Nijenhuis, Agents, and by F. Wijckmans, F. Tuytschaever and L. Gyselen, lawyers, and subsequently by A. Bouquet, A. Nijenhuis and F. Ronkes Agerbeek, Agents, and by F. Wijckmans and F. Tuytschaever)

**Re:**

Application for annulment of Commission Decision C(2006) 4090 final of 13 September 2006 relating to a proceeding under Article 81 [EC] (Case COMP/F/38.456 — Bitumen (Netherlands)), in so far as it concerns the applicant.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Dura Vermeer Groep NV to pay the costs.

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(<sup>1</sup>) OJ C 20, 27.1.2007.

**Judgment of the General Court of 27 September 2012 — Dura Vermeer Infra v Commission**

(Case T-352/06) (<sup>1</sup>)

*(Competition — Agreements, decisions and concerted practices — Netherlands market in road pavement bitumen — Decision finding an infringement of Article 81 EC — Imputability of the unlawful conduct — Rights of the defence)*

(2012/C 355/28)

*Language of the case: Dutch*

**Parties**

*Applicant:* Dura Vermeer Infra BV (Hoofddorp, Netherlands) (represented by: M. Slotboom, lawyer)