

Judgment of the General Court of 24 March 2011 — IBP and International Building Products France v Commission

(Case T-384/06) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Copper and copper alloy fittings sector — Decision finding an infringement of Article 81 EC — Duration of participation in the infringement — Fines — Aggravating circumstances)

(2011/C 145/33)

Language of the case: English

Parties

Applicants: IBP Ltd (Tipton, United Kingdom); and International Building Products France SA (Sartrouville, France) (represented by: M. Clough QC and A. Aldred, Solicitor)

Defendant: European Commission (represented by: F. Castillo de la Torre and V. Bottka, acting as Agents)

Re:

Application for annulment in part of Commission Decision C(2006) 4180 of 20 September 2006 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/F-1/38.121 — Fittings) and also, in the alternative, for a reduction in the fine imposed on the applicants in that decision.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders IBP Ltd and International Building Products France SA to bear their own costs and to pay 80 % of the European Commission's costs, and also to bear their own costs and to pay the Commission's costs relating to the interim measures proceedings;
3. Orders the Commission to bear 20 % of its own costs.

⁽¹⁾ OJ C 20, 27.1.2007.

Judgment of the General Court of 24 March 2011 — Aalberts Industries and Others v Commission

(Case T-385/06) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Copper and copper alloy fittings sector — Decision finding an infringement of Article 81 EC — Single and continuous infringement — Participation in the infringement)

(2011/C 145/34)

Language of the case: English

Parties

Applicants: Aalberts Industries NV (Utrecht, Netherlands); Comap SA, formerly Aquatis France SAS (La Chapelle-Saint-Mesmin, France); and Simplex Armaturen + Fittings GmbH & Co. KG (Argenbühl-Eisenharz, Germany) (represented initially by R. Wesseling and M. van der Woude, and subsequently by R. Wesseling, lawyers)

Defendant: European Commission (represented by: A. Nijenhuis, R. Sauer and V. Bottka, acting as Agents)

Re:

Application for annulment of Commission Decision C(2006) 4180 of 20 September 2006 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/F-1/38.121 — Fittings), and also, in the alternative, for a reduction in the fine imposed on the applicants in that decision.

Operative part of the judgment

The Court:

1. Annuls Article 1 of Commission Decision C(2006) 4180 of 20 September 2006 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/F-1/38.121 — Fittings) in so far as it finds that Aalberts Industries NV, Comap SA, formerly Aquatis France SAS, and Simplex Armaturen + Fittings GmbH & Co. KG participated in the infringement during the period from 25 June 2003 to 1 April 2004;
2. Annuls Article 2(a) and (b)(2) of Decision C(2006) 4180;
3. Orders the European Commission to pay the costs.

⁽¹⁾ OJ C 20, 27.1.2007.