

**Re:**

Action for partial annulment of Commission Decision C(2006) 1766 final of 3 May 2006 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/F/38.620 — Hydrogen peroxide and perborate) and, in the alternative, for amendment of Article 2(i) of that decision.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Total SA and Elf Aquitaine SA to pay the costs.

(<sup>1</sup>) OJ C 212, 2.9.2006.

**Judgment of the General Court of 13 July 2011 — Shell Petroleum and Others v Commission**

(Case T-38/07) (<sup>1</sup>)

**(Competition — Agreements, decisions and concerted practices — Market in butadiene rubber and emulsion styrene butadiene rubber — Decision finding an infringement of Article 81 EC — Imputability of the offending conduct — Fines — Gravity of the infringement — Aggravating circumstances)**

(2011/C 269/89)

Language of the case: English

**Parties**

**Applicants:** Shell Petroleum NV (The Hague, Netherlands); Shell Nederland BV (The Hague); and Shell Nederland Chemie BV (Rotterdam, Netherlands) (represented initially by: T. Snoep and J. Brockhoff, and subsequently by T. Snoep and S. Chamalaun, lawyers)

**Defendant:** European Commission (represented initially by: M. Kellerbauer, V. Bottka and J. Samnadda, and subsequently by M. Kellerbauer and V. Bottka, Agents)

**Re:**

Application for annulment, so far as Shell Petroleum NV and Shell Nederland BV are concerned, of Commission Decision C(2006) 5700 final of 29 November 2006 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/F/38.638 — Butadiene Rubber and Emulsion Styrene Butadiene Rubber) or, in the alternative, annulment or reduction of the fine imposed on Shell Petroleum, Shell Nederland and Shell Nederland Chemie BV.

**Operative part of the judgment**

The Court:

1. Dismisses the action;

2. Orders Shell Petroleum NV, Shell Nederland BV and Shell Nederland Chemie BV to pay the costs.

(<sup>1</sup>) OJ C 82, 14.4.2007.

**Judgment of the General Court of 13 July 2011 — ENI v Commission**

(Case T-39/07) (<sup>1</sup>)

**(Competition — Agreements, decisions and concerted practices — Market in butadiene rubber and emulsion styrene butadiene rubber — Decision finding an infringement of Article 81 EC — Imputability of the offending conduct — Fines — Gravity of the infringement — Aggravating circumstances)**

(2011/C 269/90)

Language of the case: Italian

**Parties**

**Applicant:** ENI SpA (Rome, Italy) (represented by: G.M. Roberti and I. Perego, lawyers)

**Defendant:** European Commission (represented by: V. Di Bucci, G. Conte and V. Bottka, Agents)

**Re:**

Application for annulment, so far as ENI SpA is concerned, of Commission Decision C(2006) 5700 final of 29 November 2006 relating to a proceeding under Article 81 EC and Article 53 of the EEA Agreement (Case COMP/F/38.638 — Butadiene Rubber and Emulsion Styrene Butadiene Rubber) or, in the alternative, annulment or reduction of the fine imposed on ENI.

**Operative part of the judgment**

The Court:

1. Annuls Article 2(c) of Commission Decision C(2006) 5700 final of 29 November 2006 relating to a proceeding under Article 81 EC and Article 53 of the EEA Agreement (Case COMP/F/38.638 — Butadiene Rubber and Emulsion Styrene Butadiene Rubber) in so far as it sets the amount of the fine imposed on ENI SpA at EUR 272,25 million;
2. Sets the amount of the fine imposed on ENI at EUR 181,5 million;
3. Dismisses the action as to the remainder;
4. Orders the parties to bear their own costs.

(<sup>1</sup>) OJ C 82, 14.4.2007.