

Judgment of the General Court of 13 July 2011 — Dow Chemical and Others v Commission

(Case T-42/07) ⁽¹⁾

(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 and duration of the infringement — Aggravating circumstances)

(2011/C 269/91)

Language of the case: English

Parties

Applicants: The Dow Chemical Company (Midland, Michigan, United States); Dow Deutschland Inc. (Schwalbach, Germany); Dow Deutschland Anlagengesellschaft mbH (Schwalbach); and Dow Europe GmbH (Horgen, Switzerland) (represented initially by: D. Schroeder, P. Matthey and T. Graf, and subsequently by D. Schroeder and T. Graf, lawyers)

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

Re:

Application for annulment, so far as The Dow Chemical Company 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 annulment, so far as Dow Deutschland Inc. is concerned, of Article 1 of that decision or reduction, so far as all the applicants are concerned, of the fine imposed on them.

Operative part of the judgment

The Court:

1. Annuls Article 1(b) 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 Dow Deutschland Inc. is found to have participated in the infringement at issue from 1 July 1996 to 27 November 2001 instead of from 2 September 1996 to 27 November 2001;
2. Dismisses the action as to the remainder;
3. Orders The Dow Chemical Company, Dow Deutschland, Dow Deutschland Anlagengesellschaft mbH and Dow Europe GmbH to bear their own costs and to pay nine tenths of the costs incurred by the European Commission;
4. Orders the Commission to bear one tenth of its own costs.

⁽¹⁾ OJ C 82, 14.4.2007.

Judgment of the General Court of 13 July 2011 — Kaučuk v Commission

(Case T-44/07) ⁽¹⁾

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

(2011/C 269/92)

Language of the case: English

Parties

Applicant: Kaučuk a.s. (Kralupy nad Vltavou, Czech Republic) (represented initially by: M. Powell and K. Kuik, and subsequently by M. Powell, Solicitors)

Defendant: European Commission (represented initially by: M. Kellerbauer, V. Bottka and O. Weber, and subsequently by M. Kellerbauer, V. Bottka and V. Di Bucci, Agents)

Re:

Application for annulment, so far as Kaučuk a.s. 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 Kaučuk.

Operative part of the judgment

The Court:

1. Annuls 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 concerns Kaučuk a.s.;
2. Orders the European Commission to pay the costs.

⁽¹⁾ OJ C 82, 14.4.2007.

Judgment of the General Court of 13 July 2011 — Unipetrol v Commission

(Case T-45/07) ⁽¹⁾

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

(2011/C 269/93)

Language of the case: English

Parties

Applicant: Unipetrol a.s. (Prague, Czech Republic) (represented by: J. Matějček and I. Janda, lawyers)