

## GENERAL COURT

**Judgment of the General Court of 27 June 2012 — Coats Holdings v Commission**(Case T-439/07) <sup>(1)</sup>

*(Competition — Agreements, decisions and concerted practices — Markets for zip fasteners and ‘other fasteners’ — Decision finding an infringement of Article 81 EC — Coordinated price increases, fixing of minimum prices, customer-sharing, market-sharing and exchange of other commercial information — Evidence — Single and continuous infringement — Limitation period — Rights of the defence — Fines — Guidelines)*

(2012/C 243/20)

Language of the case: English

**Parties**

*Applicant:* Coats Holdings Ltd (Uxbridge, Middlesex (United Kingdom)) (represented by: W. Sibree, C. Jeffs, K. O’Connell, and J. Boyce, Solicitors, and D. Anderson QC)

*Defendant:* European Commission (represented by: F. Castillo de la Torre and K. Mojzesowicz, acting as Agents)

**Re:**

Application for, primarily, annulment of Commission Decision C(2007) 4257 final of 19 September 2007 relating to a proceeding under Article 81 [EC] (Case COMP/39.168 — PO/Hard Haberdashery: Fasteners) in so far as it concerns the applicant and, in the alternative, annulment or reduction of the fine imposed on the applicant

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Coats Holdings Ltd to pay the costs.

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<sup>(1)</sup> OJ C 37, 9.2.2008.

**Judgment of the General Court of 27 June 2012 — Berning & Söhne v Commission**(Case T-445/07) <sup>(1)</sup>

*(Competition — Agreements and concerted practices — Markets in zip fasteners and ‘other fasteners’ and attaching machines — Decision finding an infringement of Article 81 EC — Coordinated price increases, fixing of minimum prices, sharing of customers and of markets and exchange of other business information — Proof — Rights of the defence — Single and continuing infringement — Time-bar — Fines — Duration and gravity of the infringement — Mitigating circumstances — Equal treatment — Proportionality)*

(2012/C 243/21)

Language of the case: German

**Parties**

*Applicant:* Berning & Söhne GmbH & Co. KG (Wuppertal, Germany) (represented by: P. Niggemann and K. Gaßner, lawyers)

*Defendant:* European Commission (represented by: K. Mojzesowicz and R. Sauer, agents)

**Re:**

Application for annulment of Commission Decision C(2007) 4257 final of 19 September 2007 relating to a proceeding under Article 81 [EC] (Case COMP/39.168 — PO/Hard Haberdashery: Fasteners) or, in the alternative, reduction of the amount of the fine imposed on the applicant by that decision.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Berning & Söhne GmbH & Co. KG to pay the costs.

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<sup>(1)</sup> OJ C 37, 9.2.2008.