

GENERAL COURT

Judgment of the General Court of 16 September 2013 — Galp Energía España and Others v Commission

(Case T-462/07) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Spanish market for penetration bitumen — Decision finding an infringement of Article 81 EC — Annual market-sharing and price-fixing arrangements — Evidence of participation in the cartel — Calculation of the amount of the fine)

(2013/C 336/25)

Language of the case: English

Parties

Applicants: Galp Energía España, SA (Alcobendas, Spain); Petróleos de Portugal (Petrogal), SA (Lisbon, Portugal); Galp Energía, SGPS, SA (Lisbon) (represented by: M. Slotboom and G. Gentil Anastácio, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre, acting as Agent, assisted initially by J. Rivas Andrés, lawyer, and by M. Heenan Bróna, Solicitor, and subsequently by J. Rivas Andrés)

Re:

Application, principally, for annulment in whole or in part of Commission Decision C(2007) 4441 final of 3 October 2007 relating to a proceeding under Article 81 [EC] (Case COMP/38.710 — Bitumen (Spain)) and, in the alternative, for reduction of the fine imposed on the applicants.

Operative part of the judgment

The Court:

1. Annuls Article 1 of Commission Decision C(2007) 4441 final of 3 October 2007 relating to a proceeding under Article 81 [EC] (Case COMP/38.710 — Bitumen Spain) in so far as it finds that Galp Energía España, SA, Petróleos de Portugal (Petrogal), SA, and Galp Energía, SGPS, SA were involved in a complex of agreements and concerted practices in the Spanish market for bitumen, to the extent that that complex includes (i) the system for monitoring the implementation of the market sharing and customer-allocation arrangements and (ii) the compensation mechanism to correct deviations from the market-sharing and customer-allocation arrangements;
2. Annuls Article 3 of Decision C(2007) 4441 final in so far as it requires Galp Energía España, Petróleos de Portugal (Petrogal) and Galp Energía, SGPS to bring to an end the infringement as found in Article 1 of that decision and to refrain from repeating any act

or conduct described in that article or having the same or similar object or effect, to the extent that that infringement includes (i) the system for monitoring the implementation of the market-sharing and customer-allocation arrangements and (ii) the compensation mechanism to correct deviations from the market-sharing and customer-allocation arrangements;

3. Sets the amount of the fine imposed on Galp Energía España and on Petróleos de Portugal (Petrogal) in Article 2 of Decision C(2007) 4441 final at EUR 8 277 500, and the amount of the fine imposed on Galp Energía, SGPS in Article 2 of Decision C(2007) 4441 at EUR 6 149 000;
4. Dismisses the remaining heads of claim in the application;
5. Orders each party to bear its own costs.

⁽¹⁾ OJ C 51, 23.2.2008.

Judgment of the General Court of 16 September 2013 — Nynäs Petroleum and Nynas Petróleo v Commission

(Case T-482/07) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Spanish market for penetration bitumen — Decision finding an infringement of Article 81 EC — Annual market-sharing and price-fixing arrangements — Evidence of participation in the cartel — Calculation of the amount of the fine)

(2013/C 336/26)

Language of the case: English

Parties

Applicants: Nynäs Petroleum AB (Stockholm, Sweden); and Nynas Petróleo, SA (Madrid, Spain) (represented by: D. Beard QC, and M. Dean, Solicitor)

Defendant: European Commission (represented: initially by X. Lewis and F. Castillo de la Torre, subsequently by F. Castillo de la Torre and J. Bourke, and lastly by F. Castillo de la Torre and C. Urraca Caviedes, Agents)

Re:

Application, principally, for annulment in part of Commission Decision C(2007) 4441 final of 3 October 2007 relating to a proceeding under Article 81 [EC] (Case COMP/38.710 — Bitumen (Spain)) or, in the alternative, for reduction of the fine imposed on the applicants.