

GENERAL COURT

**Judgment of the General Court of 13 December 2012 —
Versalis and Eni v Commission**(Case T-103/08) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Chloroprene rubber market — Decision finding an infringement of Article 81 EC — Price fixing and market sharing — Attributability of the unlawful conduct — Obligation to state the reasons on which a decision is based — Rights of the defence — Evidence of involvement in the agreement — Single and continuous infringement — Fines — Gravity and duration of the infringement — Repeat offending — Deterrence — Attenuating circumstances — Maximum turnover limit of 10 % — Cooperation — 2002 Leniency Notice — Equal treatment — Proportionality)

(2013/C 38/28)

Language of the case: Italian

Parties

Applicants: Versalis SpA, formerly Polimeri Europa SpA (Brindisi, Italy) and Eni SpA (Rome, Italy) (represented: initially by M. Siragusa, G.M. Roberti, F. Moretti, I. Perego, F. Cannizzaro, V. Ruotolo, V. Larocca and D. Durante; and subsequently by M. Siragusa, G.M. Roberti, F. Moretti, I. Perego, F. Cannizzaro, V. Larocca and D. Durante, lawyers)

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

Re:

Action for the partial annulment of Commission Decision C(2007) 5910 final of 5 December 2007 relating to a proceeding under Article 81 (EC) and Article 53 of the EEA Agreement (Case COMP/38.629 — Chloroprene rubber), in so far as it concerns the applicants, and, in the alternative, a request for annulment or reduction of the level of the fine imposed jointly on the applicants by that decision.

Operative part of the judgment

The Court:

1. Fixes the level of the fine imposed jointly and severally on Eni SpA and Versalis SpA for the offence stated in Article 1(d) of Commission Decision C(2007) 5910 final of 5 December 2007 relating to a proceeding under Article 81 (EC) and Article 53 of the EEA Agreement (Case COMP/38.629 — Chloroprene rubber) at EUR 106 200 000;
2. Dismisses the remainder of the action;
3. Orders Eni and Versalis to bear four fifths of their costs and four fifths of the costs of the European Commission and orders the Commission to bear one fifth of its own costs and one fifth of the costs of Eni and Versalis.

⁽¹⁾ OJ C 92, 12.4.2008.

**Order of the General Court of 13 December 2012 —
Hairdreams v OHIM — Bartmann (MAGIC LIGHT)**(Case T-34/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark MAGIC LIGHT — Earlier national word mark MAGIC LIFE — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 38/29)

Language of the case: German

Parties

Applicant: Hairdreams HaarhandelsgmbH (Graz, Austria) (represented by: G. Kresbach, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Schöffner, Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Rüdiger Bartmann (Gladbeck, Germany)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 18 November 2009 (Case R 656/2008-4), relating to opposition proceedings between Rüdiger Bartmann and Hairdreams HaarhandelsgmbH.

Operative part of the order

The Court:

1. Dismisses the action;
2. Orders Hairdreams HaarhandelsgmbH to pay the costs.

⁽¹⁾ OJ C 100, 17.4.2010.

**Judgment of the General Court of 13 December 2012 —
Greece v Commission**(Case T-588/10) ⁽¹⁾

(EAGGF — Guarantee Section — Expenditure excluded from financing — Arable crops — Dried grapes — Raw tobacco — Specific measures for the smaller Aegean islands concerning certain agricultural products — Sheepmeat and goatmeat — Cross compliance — Proportionality)

(2013/C 38/30)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: I. Chalkias, E. Leftheriotou and X. Basakou, Agents)