

2. In respect of the infringement findings in Article 1(f) of Decision C(2009) 5791 final against Evonik Degussa and AlzChem, the following fines shall be imposed:

— on Evonik Degussa and AlzChem jointly and severally: EUR 2.49 million, subject to the qualification that Evonik Degussa et AlzChem will be deemed to have satisfied the payment of that fine up to the amount paid by SKW Stahl Technik in respect of the fine which was imposed on it under Article 2(g) of that decision;

— on Evonik Degussa, exclusively liable for payment of that fine, EUR 1.24 million;

3. The action is dismissed as to the remainder;

4. Evonik Degussa and AlzChem shall bear two-thirds of their own costs and two-thirds of those of the European Commission. The Commission shall bear one-third of its own costs and one-third of those of Evonik Degussa and AlzChem.

(¹) OJ C 297, 5.12.2009.

Judgment of the General Court of 23 January 2014 — Gigaset v Commission

(Case T-395/09) (¹)

(Competition — Agreements, decisions and concerted practices — Market for calcium carbide and magnesium for the steel and gas industries in the EEA, with the exception of Ireland, Spain, Portugal and the United Kingdom — Decision finding an infringement of Article 81 EC — Price-fixing and market-sharing — Imputability of the unlawful conduct — Obligation to state reasons — Fines — Duration of the infringement — Equal treatment — Mitigating circumstances — Cooperation during the administrative procedure — Joint and several liability for payment of a fine — 2006 guidelines on the method of setting fines)

(2014/C 71/25)

Language of the case: German

Parties

Applicant: Gigaset AG, formerly Arques Industries AG (Munich, Germany) (represented by: C. Grave, B. Meyring and A. Scheidtmann, lawyers)

Defendant: European Commission (represented by: N. von Lingen and R. Sauer, acting as Agents, and A. Böhlke, lawyer)

Re:

Application for annulment of Commission Decision C(2009) 5791 final of 22 July 2009 relating to a proceeding under Article 81 (EC) and Article 53 of the EEA Agreement (Case COMP/39.396 — Calcium carbide and magnesium based reagents for the steel and gas industries), in so far as it relates to the applicant, and, in the alternative, for the reduction of the fine imposed on the applicant by that decision.

Operative part of the judgment

The Court:

1. Fixes the amount of the fine imposed on Gigaset AG under Article 2(f) of Commission Decision C(2009) 5791 final of 22 July 2009 relating to a proceeding under Article 81 (EC) and Article 53 of the EEA Agreement (Case COMP/39.396 — Calcium carbide and magnesium based reagents for the steel and gas industries) at EUR 12.3 million;

2. Dismisses the action as to the remainder;

3. Orders Gigaset to bear 90 % of its own costs and 90 % of those incurred by the Commission, with the exception of the costs relating to the proceedings for interim measures. The Court orders the Commission to pay 10 % of its own costs and 10 % of the costs incurred by Gigaset, with the exception of the costs relating to the proceedings for interim measures.

(¹) OJ C 297, 5.12.2009.

Judgment of the General Court of 29 January 2014 — Hubei Xinyegang Steel v Council

(Case T-528/09) (¹)

(Dumping — Imports of certain seamless pipes and tubes of iron or steel originating in China — Determination of a threat of injury — Article 3(9) and Article 9(4) of Regulation (EC) No 384/96 (now Article 3(9) and Article 9(4) of Regulation (EC) No 1225/2009)

(2014/C 71/26)

Language of the case: English

Parties

Applicant: Hubei Xinyegang Steel Co. Ltd (Huang Shi, China) (represented by: F. Carlin, Barrister, Q. Azau, lawyer, A. MacGregor, Solicitor, and N. Niejahr, lawyer)

Defendant: Council of the European Union (represented by: J.-P. Hix and B. Driessen, Agents, and by B. O'Connor, Solicitor)