

*Defendant:* European Commission (represented by: F. Castillo de la Torre, N. von Lingen and A. Tokár, acting as Agents)

*Intervener in support of the applicant:* Slovak Republic (represented by: B. Ricziová, acting as Agent)

**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 concerns the applicant, and, in the alternative, cancellation or a reduction of the fine imposed on the applicant by that decision.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Novácke chemické závody a.s. to bear its own costs and to pay those incurred by the European Commission;*
3. *Orders the Slovak Republic to bear its own costs.*

(<sup>1</sup>) OJ C 267, 7.11.2009.

**Judgment of the General Court (Third Chamber) of 12 December 2012 — 1. garantovaná v Commission**

(Case T-392/09) (<sup>1</sup>)

*(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 — Fines — Ceiling of 10 % of turnover — Relevant turnover — Rights of the defence — Obligation to state reasons — Proportionality — 2006 Guidelines on the method of setting fines — Ability to pay)*

(2013/C 32/23)

*Language of the case:* English

**Parties**

*Applicant:* 1. garantovaná a.s. (Bratislava, Slovakia) (represented initially by: M. Powell, Solicitor, A. Sutton and G. Forwood, Barristers, and subsequently by M. Powell, G. Forwood, M. Staroň and P. Hodál, lawyers)

*Defendant:* European Commission (represented by: J. Bourke, N. von Lingen and A. Tokár, acting as Agents)

**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 concerns the applicant, and, in the alternative, a reduction of the fine imposed on the applicant by that decision.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders 1. garantovaná a.s. to pay the costs.*

(<sup>1</sup>) OJ C 297, 5.12.2009.

**Judgment of the General Court of 12 December 2012 — Ecka Granulate and non ferrum Metallpulver v European Commission**

(Case T-400/09) (<sup>1</sup>)

*(Competition — Cartels — Market in 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 — Fines — Principle of the legality of criminal offences and penalties — 2006 guidelines for the calculation of the amount of fines — Mitigating circumstances — Cooperation during the administrative procedure — Proportionality — Ability to pay)*

(2013/C 32/24)

*Language of the case:* German

**Parties**

*Applicants:* Ecka Granulate GmbH & Co. KG (Fürth, Germany); non ferrum Metallpulver GmbH & Co. KG (St. Georgen bei Salzburg, Austria) (represented initially by: H. Janssen and M. Franz, and subsequently by: H. Janssen and P. Homann, lawyers)

*Defendant:* European Commission (represented by: A. Antoniadis, K. Mojzesowicz and N. von Lingen, acting as Agents)

*Intervener in support of the defendant:* Council of the European Union (represented by: M. Simm and G. Kimberley, acting as Agents)

**Re:**

Action 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 concerns the applicants and, in the alternative, reduction of the fine imposed on the applicants in that decision

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*

2. Orders Ecka Granulate GmbH & Co. KG and non ferrum Metallpulver GmbH & Co. KG to pay the costs incurred by the European Commission and to bear their own costs;
3. Orders the Council of the European Union to bear its own costs.

(<sup>1</sup>) OJ C 297, 5.12.2009.

**Judgment of the General Court (Third Chamber) of 12 December 2012 — Almamet v Commission**

(Case T-410/09) (<sup>1</sup>)

*(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 — Rights of the defence — Commission's powers in inspections — Single and continuous infringement — Fines — Cooperation during the administrative procedure — Proportionality — 2006 Guidelines on the method of setting fines)*

(2013/C 32/25)

Language of the case: English

**Parties**

*Applicant:* Almamet GmbH Handel mit Spänen und Pulvern aus Metall (Ainring, Germany) (represented by: S. Hautbourg and C. Renner, lawyers)

*Defendant:* European Commission (represented by: N. Khan, V. Bottka and N. von Lingen, acting as Agents)

**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 concerns the applicant, and, in the alternative, a reduction of the fine imposed on the applicant by that decision.

**Operative part of the judgment**

The Court:

- Dismisses the action;
- Orders Almamet GmbH Handel mit Spänen und Pulvern aus Metall to bear its own costs and to pay those incurred by the European Commission.

(<sup>1</sup>) OJ C 312, 19.12.2009.

**Order of the General Court of 4 December 2012 — Lenz v Commission**

(Case T-78/11 P) (<sup>1</sup>)

*(Appeal — Public service — Officials — Social security — Reimbursement of the costs of treatment provided by a 'Heilpraktiker' — Obligation to state reasons — Distortion of the facts)*

(2013/C 32/26)

Language of the case: German

**Parties**

*Appellant:* Erika Lenz (Osnabrück, Germany) (represented by: V. Lenz and J. Römer, lawyers)

*Other party to the proceedings:* European Commission (represented by: J. Currall and B. Eggers, Agents)

**Re:**

Appeal brought against the judgment of the Civil Service Tribunal of the European Union (First Chamber) of 14 December 2010 in Case F-80/09 *Lenz v Commission* [2010] ECR II-A-1-0000, and seeking that that judgment be set aside

**Operative part of the order**

- The appeal is dismissed.
- Ms Erika Lenz is to bear her own costs and to pay those incurred by the European Commission in the present proceedings.

(<sup>1</sup>) OJ C 103, 2.4.2011.

**Order of the General Court of 12 December 2012 — Evonik Industries v OHIM Bornemann (EVONIK)**

(Case T-390/11) (<sup>1</sup>)

*(Community trade mark — Opposition — Withdrawal of opposition — No need to adjudicate)*

(2013/C 32/27)

Language of the case: German

**Parties**

*Applicant:* Evonik Industries (Essen, Germany) (represented by: J. Albrecht, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Pohlmann and R. Pethke, acting as Agents)