

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Laufen Austria AG to bear its own costs and to pay those of the European Commission.

(¹) OJ C 301, 6.11.2010.

**Judgment of the General Court of 16 September 2013 —
Roca v Commission**

(Case T-412/10) (¹)

(*Competition — Agreements, decisions and concerted practices — Bathroom fittings and fixtures markets of Belgium, Germany, France, Italy, the Netherlands and Austria — Decision finding an infringement of Article 101 TFEU and Article 53 of the EEA Agreement — Coordination of price increases and exchange of sensitive business information — Attributability of the unlawful conduct — Fines — 2006 Guidelines on the method of setting fines — Gravity of the infringement — Mitigating circumstances — Economic crisis — 2002 Leniency Notice — Reduction of the fine — Significant added value*)

(2013/C 325/50)

Language of the case: Spanish

Parties

Applicant: Roca (Saint Ouen l'Aumône, France) (represented by: P. Vidal Martínez, lawyer)

Defendant: European Commission (represented: initially by F. Castillo de la Torre, A. Antoniadis and F. Castilla Contreras, and subsequently by F. Castillo de la Torre, A. Antoniadis and F. Jimeno Fernández, acting as Agents)

Re:

Application for annulment in part of Commission Decision C(2010) 4185 final of 23 June 2010 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (Case COMP/39.092 — Bathroom Fittings and Fixtures), and for reduction of the fine imposed on the applicant in that decision.

Operative part of the judgment

The Court:

1. Annuls Article 2(4)(b) of Commission Decision C(2010) 4185 final of 23 June 2010 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (Case COMP/39.092 — Bathroom Fittings and Fixtures) in so far as the European Commission set the amount of the fine to be imposed on Roca jointly and severally without taking account of its cooperation;

2. Sets the amount of the fine imposed on Roca in Article 2(4)(b) of Decision C(2010) 4185 final at EUR 6 298 000;

3. Dismisses the action as to the remainder;

4. Orders the Commission to pay one third of the costs incurred by Roca and to bear its own costs;

5. Orders Roca to bear two thirds of its own costs.

(¹) OJ C 301, 6.11.2010.

**Judgment of the General Court of 16 September 2013 —
Islamic Republic of Iran Shipping Lines and Others v
Council**

(Case T-489/10) (¹)

(*Common foreign and security policy — Restrictive measures against Iran with the aim of preventing nuclear proliferation — Freezing of funds — Obligation to state reasons — Error of assessment*)

(2013/C 325/51)

Language of the case: English

Parties

Applicants: Islamic Republic of Iran Shipping Lines (Tehran (Iran)), and the 17 other applicants whose names appear in the annex to the judgment (represented by: F. Randolph QC, M. Lester, Barrister, and M. Taher, Solicitor)

Defendant: Council of the European Union (represented by: M. Bishop and R. Liudvinavičiute-Cordeiro, Agents)

Interveners in support of the defendant: European Commission (represented by: M. Konstantinidis and T. Scharf, Agents) and French Republic (represented by: G. de Bergues and É. Ranai-voson, Agents)

Re:

Application for annulment in part of Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 195, p. 39), of Council Implementing Regulation (EU) No 668/2010 of 26 July 2010 implementing Article 7(2) of Regulation (EC) No 423/2007 concerning restrictive measures against Iran (OJ 2010 L 195, p. 25), of Council Decision 2010/644/CFSP of 25 October 2010 amending Decision 2010/413 (OJ 2010 L 281, p. 81), of Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation

(EC) No 423/2007 (OJ 2010 L 281, p. 1), and of Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation No 961/2010 (OJ 2012 L 88, p. 1)

Operative part of the judgment

The Court:

1. Annuls the following measures, in so far as they concern Islamic Republic of Iran Shipping Lines and the 17 other applicants whose names appear in the annex:

— Annex II to Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP;

— the annex to Council Implementing Regulation (EU) No 668/2010 of 26 July 2010 implementing Article 7(2) of Regulation (EC) No 423/2007 concerning restrictive measures against Iran;

— the annex to Council Decision 2010/644/CFSP of 25 October 2010 amending Decision 2010/413;

— Annex VIII to Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007;

— Annex IX to Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation No 961/2010;

2. Orders the effects of Decision 2010/413, as amended by Decision 2010/644, to be maintained as regards Islamic Republic of Iran Shipping Lines and the 17 other applicants whose names appear in the annex until the annulment of Regulation No 267/2012 takes effect;

3. Orders the Council of the European Union to bear its own costs and to pay those incurred by Islamic Republic of Iran Shipping Lines and the 17 other applicants whose names appear in the annex;

4. Orders the European Commission and the French Republic to bear their own costs.

(¹) OJ 2011 C 30, 29.1.2011.

Judgment of the General Court of 16 September 2013 — Bank Kargoshaei and Others v Council

(Case T-8/11) (¹)

(Common foreign and security policy — Restrictive measures against Iran with the aim of preventing nuclear proliferation — Freezing of funds — Obligation to state reasons — Rights of the defence — Right to effective judicial protection — Legitimate expectations — Review of the restrictive measures adopted — Error of assessment — Equal treatment — Legal basis — Essential procedural requirements — Proportionality — Right to property)

(2013/C 325/52)

Language of the case: English

Parties

Applicants: Bank Kargoshaei (Tehran, Iran); Bank Melli Iran Investment Company (Tehran); Bank Melli Iran Printing and Publishing Company (Tehran); Cement Investment & Development Co. (Tehran); Mazandaran Cement Company (Tehran); Melli Agro-chemical Company (Tehran); Shomal Cement Co. (Tehran) (represented initially by L. Defalque and S. Woog, and subsequently by L. Defalque and C. Malherbe, lawyers)

Defendant: Council of the European Union (represented by: M. Bishop and R. Liudvinavičiute-Cordeiro, acting as Agents)

Intervener in support of the defendant: European Commission (represented by: F. Erlbacher and M. Konstantinidis, acting as Agents)

Re:

Application, first, for annulment in part of Council Decision 2010/644/CFSP of 25 October 2010 amending Decision 2010/413/CFSP concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 281, p. 81); of Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007 (OJ 2010 L 281, p. 1); of Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413/CFSP (OJ 2011 L 319, p. 71); of Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation No 961/2010 (OJ 2011 L 319, p. 11); and of Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation No 961/2010 (OJ 2012 L 88, p. 1); and, secondly, for annulment of any future regulation or decision in force as at the date of closure of the oral procedure which supplements or amends any of the contested measures.