

JUDGMENT OF THE COURT

(Fifth Chamber)

of 16 November 2000

in Case C-248/98 P: NV Koninklijke KNP BT v Commission of the European Communities⁽¹⁾

(Appeal — Competition — Article 85(1) of the EC Treaty (now Article 81(1) EC) — Fines — Statement of reasons — Power of unlimited jurisdiction)

(2001/C 28/15)

(Language of the case: Dutch)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-248/98 P: NV Koninklijke KNP BT, established in Amsterdam, Netherlands, represented by T.R. Ottervanger, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Loeff, Claeys and Verbeke, 56-58 Rue Charles Martel, appeal against the judgment of the Court of First Instance of the European Communities (Third Chamber, Extended Composition) of 14 May 1998 in Case T-309/94 KNP BT v Commission [1998] ECR II-1007, seeking to have that judgment set aside, the other party to the proceedings being, Commission of the European Communities (Agents: R. Lyal and W. Wils), the Court (Fifth Chamber), composed of: A. La Pergola, President of the Chamber, M. Wathelet (Rapporteur), D.A.O. Edward, P. Jann and L. Sevón, Judges; J. Mischo, Advocate General; R. Grass, Registrar, has given a judgment on 16 November 2000, in which it:

1. Sets aside paragraph 1 of the operative part of the judgment of the Court of First Instance of 14 May 1998 in Case T-309/94 KNP BT v Commission;
2. Sets the amount of the fine imposed on NV Koninklijke KNP BT by Article 3 of Commission Decision 94/601/EC of 13 July 1994 relating to a proceeding under Article 85 of the EC Treaty (IV/C/33.833 — Cartonboard) at EUR 2 600 000;
3. Dismisses the remainder of the appeal;
4. Orders NV Koninklijke KNP BT to bear its own costs and to pay two thirds of the costs of the Commission of the European Communities relating to the proceedings before the Court of Justice;
5. Orders the Commission of the European Communities to bear one third of its own costs relating to the proceedings before the Court of Justice.

⁽¹⁾ OJ C 299 of 26.9.1998.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 16 November 2000

in Case C-279/98 P: Cascades SA v Commission of the European Communities⁽¹⁾

(Appeal — Competition — Article 85(1) of the EC Treaty (now Article 81(1) EC) — Liability for the infringement — Fines — Statement of reasons — Principle of non-discrimination)

(2001/C 28/16)

(Language of the case: French)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-279/98 P: Cascades SA, established in Bagnolet (France), represented by J.-Y. Art, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Arendt and Medernach, 8-10 Rue Mathias Hardt, appeal against the judgment of the Court of First Instance of the European Communities (Third Chamber, Extended Composition) of 14 May 1998 in Case T-308/94 Cascades v Commission [1998] ECR II-925, seeking to have that judgment set aside, the other party to the proceedings being, Commission of the European Communities (Agents: Richard Lyal and E. Gippini Fournier) — the Court (Fifth Chamber), composed of: A. La Pergola, M. Wathelet (Rapporteur), D.A.O. Edward, President of the Chamber, P. Jann, and L. Sevón, Judges; J. Mischo, Advocate General; R. Grass, Registrar, has given a judgment on 16 November 2000, in which it:

1. Sets aside the judgment of the Court of First Instance of 14 May 1998 in Case T-308/94 Cascades v Commission in so far as it attributes to Cascades SA responsibility for the infringements committed by Van Duffel NV and Djupafors AB during the period from mid-1986 until February 1989 inclusive;
2. Dismisses the remainder of the appeal;
3. Refers the case back to the Court of First Instance;
4. Orders that the costs are reserved.

⁽¹⁾ OJ C 299 of 26.9.1998.