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(Information)

COURT OF JUSTICE

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JUDGMENT OF THE COURT

(Grand Chamber)

of 28 June 2005

in Joined Cases C-189/02 P, C-202/02 P, C 205/02 P to C 208/02 P and C 213/02 P: Dansk Rørindustri A/S and Others v Commission of the European Communities ⁽¹⁾

(Appeal — Competition — District heating pipes (pre-insulated pipes) — Article 85(1) of the EC Treaty (now Article 81(1) EC) — Cartel — Boycott — Fines — Guidelines on the method of setting fines — Non-retroactivity — Legitimate expectations — Lawfulness — Leniency notice — Obligation to state reasons)

(2005/C 205/01)

(Languages of the case: Danish, German and English)

In Joined Cases C-189/02 P, C-202/02 P, C 205/02 P to C 208/02 P and C 213/02 P: appeals under Article 49 of the EC Statute of the Court of Justice, lodged on 17 May 2002 in the first case, 29 May 2002 in the second, 3 June 2002 in the next four cases and 5 June 2002 in the last case — Dansk Rørindustri A/S, established in Fredericia (Denmark) (lawyers: K. Dyekjær-Hansen and K. Høegh) (C-189/02 P), Isoplus Fernwärmetechnik Vertriebsgesellschaft mbH, established in Rosenheim (Germany), Isoplus Fernwärmetechnik Gesellschaft mbH, established in Hohenberg (Austria), Isoplus Fernwärmetechnik GmbH, established in Sondershausen (Germany) (lawyer: P. Krömer) (C-202/02 P), KE KELIT Kunststoffwerk GmbH, established in Linz (Austria) (lawyer: W. Löbl), LR af 1998 A/S, formerly Løgstør Rør A/S, established in Løgstør (Denmark) (lawyer: D. Waelbroeck and H. Peytz) (C-206/02 P), Brugg Rohrsysteme GmbH, established in Wunstorf (Germany) (lawyers: T. Jestaedt, H.-C. Salger and M. Sura) (C-207/02 P), LR af 1998 (Deutschland) GmbH, formerly Løgstør Rør

(Deutschland) GmbH, established in Fulda (Germany) (lawyer: H.-J. Hellmann) (C-208/02 P), ABB Asea Brown Boveri Ltd, established in Zurich (Switzerland) (lawyers: A. Weitbrecht, J. Ruiz Calzado and M. Bay) (C-213/02 P), the other parties to the proceedings being: Commission of the European Communities (Agents: W. Mölls, P. Oliver and H. Støvlbæk, assisted by A. Böhlke (C 189/02 P, C-202/02 P, C-205/02 P and C 208/02 P) and R. Thompson QC (C 206/02 P and C-213/02 P)), HFB Holding für Fernwärmetechnik Beteiligungsgesellschaft mbH & Co. KG, HFB Holding für Fernwärmetechnik Beteiligungsgesellschaft mbH Verwaltungsgesellschaft (lawyer: P. Krömer), (C-202/02 P) — the Court (Grand Chamber), composed of V. Skouris, President of the Chamber, P. Jann, C.W.A. Timmermans (Rapporteur) and R. Silva de Lapuerta, Presidents of Chamber, C. Gulmann, R. Schintgen, N. Colneric, S. von Bahr and J.N. Cunha Rodrigues, Judges; A. Tizzano, Advocate General; H. von Holstein, Deputy Registrar, and M.-F. Contet, Principal Administrator, for the, Registrar, gave a judgment on 28 June 2005, in which it:

1. Joins Cases C-189/02 P, C-202/02 P, C-205/02 P to C-208/02 P and C-213/02 P for the purposes of the judgment;

2. Dismisses the appeals;

3. Orders Dansk Rørindustri A/S, Isoplus Fernwärmetechnik Vertriebsgesellschaft mbH, Isoplus Fernwärmetechnik Gesellschaft mbH, Isoplus Fernwärmetechnik GmbH, KE KELIT Kunststoffwerk GmbH, LR af 1998 A/S, Brugg Rohrsysteme GmbH, LR af 1998 (Deutschland) GmbH and ABB Asea Brown Boveri Ltd to pay the costs.

⁽¹⁾ OJ C 71 of 20.03.2004.