

Action brought on 16 December 2005 — Oxley Threads v Commission

(Case T-448/05)

(2006/C 48/79)

Language of the case: English

Parties

Applicant: Oxley Threads Ltd (Ashton-Under-Lyne, United Kingdom) [represented by: G. Peretz, Barrister, M. Rees, K. Vernon, Solicitors]

Defendant: Commission of the European Communities

Form of order sought

— Annul Article 2(b) of the Commission's Decision of 14 September 2005 relating to a proceeding under Article 81 EC and Article 53 EEA in case 38.337 — PO/Thread insofar as it imposes a fine on the applicant of 1.271 million EUR or, in the alternative, reduce that fine;

— order the Commission to pay the costs.

Pleas in law and main arguments

By the contested Decision the Commission found that the applicant, among other undertakings, had infringed Article 81 EC and Article 53 EEA by participating in agreements and concentrated practices affecting the markets of automotive thread in the EEA. As a result, it imposed a fine of 1.271 million EUR on the applicant.

In support of its application against the contested Decision, the applicant contends first of all that the Commission infringed the principles of equal treatment and proportionality as well as its own guidelines when it fixed the starting amount for the fine without taking into account the fact that, contrary to the other participants, the applicant is a small and medium-sized enterprise and very much smaller, by reference to any indicator, to any other participant. According to the applicant, the Commission fixed the same starting amount for it as for two other participants 71 times bigger than it in terms of total turnover. In the same context, the applicant considers that the Commission failed to take the grossly disproportionate impact the fine could be expected to have on it into account or the fact that, at the time of the infringements, it was only becoming established as a significant player in the supply of automotive thread to customers in the EEA outside the United Kingdom. Finally, the applicant submits that according to the

Commission's own findings and evidence, its participation in the cartel had less importance and impact on competition than that of other undertakings concerned, in particular the two undertakings for which the same starting amount was fixed.

The applicant also contends that the Commission infringed its obligation to state reasons in assessing the appropriate starting amount, that it infringed its own guidelines and committed a manifest error of assessment in failing to take proper account of the degree of cooperation by the applicant and that it infringed its own guidelines, the principle of equal treatment and committed a manifest error of assessment in categorising the cartel in question as a 'very serious' infringement.

Action brought on 29 December 2005 — Componenta Oyj v Commission of the European Communities

(Case T-455/05)

(2006/C 48/80)

Language of the case: Finnish

Parties

Applicant: Componenta Oyj (Helsinki, Finland) (represented by: M. Savola, lawyer)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Court should:

— Annul Commission Decision C(2005) 3871 final of 20 October 2005 on State aid granted by Finland to Componenta as investment aid;

— Order the Commission to pay the applicant's costs with interest.

Pleas in law and main arguments

The action concerns Commission Decision C(2005) 3871 final of 20 October 2005 finding that the Finnish State had granted Componenta State aid prohibited under Article 87 EC (aid No C 37/2004, ex NN 51/2004).