

**Judgment of the Court (Second Chamber) of 5 December 2013 — SNIA Spa, under special administration v European Commission**

(Case C-448/11 P) <sup>(1)</sup>

*(Appeal — Agreements, decisions and concerted practices — European market for hydrogen peroxide and sodium perborate — Decision finding an infringement of Article 81 EC — Imputation of liability in the field of competition — Economic continuity test — Infringement of the rights of defence — Duty to state reasons)*

(2014/C 45/08)

Language of the case: Italian

**Parties**

Appellant: SNIA Spa, under special administration (represented by: A. Santa Maria, C. Biscaretti di Ruffia and E. Gambaro, avvocati)

Other party to the proceedings: European Commission (represented by: V. Di Bucci, L. Malferrari and B. Gencarelli, acting as Agents)

**Re:**

Appeal against the judgment of the General Court (Sixth Chamber, Extended Composition) of 16 June 2011 in Case T-194/06 *SNIA v Commission*, by which the General Court dismissed the action for partial annulment of Commission Decision C(2006) 1766 final of 3 May 2006 relating to a proceeding pursuant to Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/F/38.620 — Hydrogen peroxide and perborate), to the extent that the Commission imposed a fine jointly and severally on Caffaro Srl and on SNIA SpA — Rules relating to the imputability of anti-competitive practices in the case of a merger — Infringement of the rights of defence and of the duty to state reasons.

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders SNIA SpA, under special administration, to pay the costs.

<sup>(1)</sup> OJ C 311, 22.10.2011.

**Judgment of the Court (Second Chamber) of 5 December 2013 — Solvay Solexis SpA v European Commission**

(Case C-449/11 P) <sup>(1)</sup>

*(Appeal — Agreements, decisions and concerted practices — European market for hydrogen peroxide and sodium perborate — Decision finding an infringement of Article 81 EC — Concepts of ‘agreement’ and ‘concerted practice’ — Concept of a ‘single and continuous infringement’ — Calculation of the fine)*

(2014/C 45/09)

Language of the case: Italian

**Parties**

Appellant: Solvay Solexis SpA (represented by: T. Salonico, G.L. Zampa and G. Barone, lawyers)

Other party to the proceedings: European Commission (represented by: V. Di Bucci, L. Malferrari and B. Gencarelli, Agents)

**Re:**

Appeal brought against the judgment of the General Court (Sixth Chamber, Extended Composition) of 16 June 2011 in Case T-195/06 *Solvay Solexis SpA v Commission* by which the Court dismissed the action for partial annulment of Commission Decision C(2006) 1766 final of 3 May 2006 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/F/38.620 — Hydrogen peroxide and perborate) in so far as it concerns Solvay Solexis — Duration of the infringement — Concepts of ‘agreement’ and ‘concerted practice’ — Equal treatment — Obligation to state reasons.

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders Solvay Solexis SpA to pay the costs.

<sup>(1)</sup> OJ C 311, 22.10.2011.