

Re:

Application for annulment of Commission Decision C(2005) 4634 final of 30 November 2005 relating to a proceeding under Article 81 [EC] (Case COMP/F/38.354 — Industrial bags) and, in the alternative, for reduction of the fine imposed on the applicants.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders RKW SE and JM Gesellschaft für industrielle Beteiligungen mbH & Co. KGaA to pay the costs.

(¹) OJ C 96, 22.4.2006.

Judgment of the General Court of 16 November 2011 — Low & Bonar and Bonar Technical Fabrics v Commission

(Case T-59/06) (¹)

(Competition — Agreements, decisions and concerted practices — Plastic industrial bags sector — Decision finding an infringement of Article 81 EC — Single and continuous infringement — Fines — Attenuating circumstances — Passive role — Proportionality — Equal treatment — Unlimited jurisdiction)

(2012/C 6/13)

Language of the case: English

Parties

Applicants: Low & Bonar plc (Dundee, Scotland, United Kingdom) and Bonar Technical Fabrics NV (Zelee, Belgium) (represented by: L. Garzaniti, lawyer, and M. O'Regan, Solicitor)

Defendant: European Commission (represented by: F. Castillo de la Torre, acting as Agent, assisted by M. Gray, Barrister)

Re:

Application for annulment in part of Commission Decision C(2005) 4634 final of 30 November 2005 relating to a proceeding under Article 81 [EC] (Case COMP/F/38.354 — Industrial bags), concerning a cartel on the market for plastic industrial bags, and, in the alternative, for annulment or reduction of the fine imposed on the applicants.

Operative part of the judgment

The Court:

1. Sets the amount of the fine imposed by Article 2(l) of Commission Decision C(2005) 4634 final of 30 November 2005 relating to

a proceeding under Article 81 [EC] (Case COMP/F/38.354 — Industrial bags) at EUR 9.18 million;

2. Dismisses the action as to the remainder;
3. The European Commission, Low & Bonar plc and Bonar Technical Fabrics NV shall each bear their own costs.

(¹) OJ C 86, 8.4.2006.

Judgment of the General Court of 16 November 2011 — Stempher and Koninklijke Verpakingsindustrie Stempher v Commission

(Case T-68/06) (¹)

(Competition — Agreements, decisions and concerted practices — Plastic industrial bags sector — Decision finding an infringement of Article 81 EC — Fines — Limitation period — Proof of the infringement)

(2012/C 6/14)

Language of the case: Dutch

Parties

Applicants: Stempher BV (Rijssen, Netherlands) and Koninklijke Verpakingsindustrie Stempher CV (Rijssen) (represented by: J. de Pree and E. Pijnacker Hordijk, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre, A. Nijenhuis and S. Noë, acting as Agents)

Re:

Application for annulment in part and for amendment of Commission Decision C(2005) 4634 final of 30 November 2005 relating to a proceeding under Article 81 [EC] (Case COMP/F/38.354 — Industrial bags).

Operative part of the judgment

The Court:

1. Annuls Commission Decision C(2005) 4634 final of 30 November 2005 relating to a proceeding under Article 81 [EC] (Case COMP/F/38.354 — Industrial bags) in so far as it concerns Stempher BV and Koninklijke Verpakingsindustrie Stempher CV;
2. Orders the European Commission to pay the costs.

(¹) OJ C 96, 22.4.2006.