



Press and Information

General Court of the European Union
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Judgment in Case T-208/06
Quinn Barlo and Others v Commission

The General Court reduces the fine imposed by the Commission on certain companies in the Quinn Group for their participation in a cartel in the methacrylates sector from €9 million to €8.25 million

The Court also finds that the Commission has not established their liability for the entire single infringement

By decision of 31 May 2006¹, the Commission found that there was a cartel in the methacrylates sector (commonly known as acrylic glass) and imposed on the companies concerned fines totalling €344.5 million². The infringement consisted, in essence, of competitors' discussing prices, agreeing, implementing and monitoring price agreements and the exchange of commercially important and confidential market and/or company relevant information. According to the Commission's decision, it was a single and continuous infringement involving three products in the methacrylates industry: polymethyl-methacrylate (PMMA) moulding compounds, PMMA solid sheet and PMMA sanitary ware.

The companies that received fines under that decision included three companies in the Quinn Group: Quinn Plastics GmbH (successor to Barlo Plastics GmbH, which had participated in the collusive behaviour), Quinn Plastics NV (successor to Barlo Plastics NV, the parent company of Barlo Plastics GmbH) and Quinn Barlo (successor to Barlo Group Ltd., the parent company of the former Barlo group). The Commission found that they had participated in the infringement from 30 April 1998 to 21 August 2000 and imposed on them a fine of €9 million, for which they were jointly and severally liable.

Those companies brought an action before the General Court seeking annulment of the Commission's decision or a reduction in the fine imposed on them.

In its judgment today, the Court annuls the Commission's decision in part and reduces the fine imposed on the companies in the Quinn Group.

First of all, the Court examines the evidence gathered by the Commission against the companies and finds that their participation in the cartel per se has been established.

However, **that evidence is insufficient to establish the entire infringement period as alleged in the decision**. The Court accordingly **annuls the contested decision** in so far as concerns those companies **for the period from 1 November 1998 to 23 February 2000** and recalculates the amount of the fine, taking account of the duration of their actual participation in the infringement (11 months and 28 days). The Court finds that an additional amount of 10% of the starting amount

¹ Commission Decision C(2006) 2098 final of 31 May 2006 relating to a proceeding pursuant to Article 81 EC and Article 53 of the EEA Agreement (Case COMP/F/38.645 – Methacrylates).

² Those companies included Total, Elf Aquitaine, Arkema and its subsidiaries – who received a fine of EUR 219.13 million, of which Total was jointly and severally liable for EUR 140.4 million and Elf Aquitaine EUR 181.35 million. By judgments of 7 June 2011 ([T-206/06](#) and [T-217/06](#)), the Court reduced the fine of Arkema and its subsidiaries to EUR 113.3 million and dismissed the actions brought by Total and Elf Aquitaine (see Press Release [52/11](#)). Total and Elf Aquitaine appealed to the Court of Justice ([C-421/11 P](#)). The companies Lucite International Ltd and Lucite International UK Ltd were ordered by the Commission to pay a fine of EUR 25.03 million. By judgment of 15 September 2011, the General Court dismissed their action ([T-216/06](#)). The Commission imposed a fine of EUR 91.41 million on the company Imperial Chemical Industries (ICI). The General Court has not yet ruled on that case ([T-214/06](#)).

of the fine (instead of the 20% imposed by the Commission) reflects adequately that duration of the infringement. **The Court accordingly reduces the fine from the initial amount of €9 million to €8.25 million.**

Second, the Court considers whether the companies in the Quinn Group could be held liable for the entire infringement committed during the time that they participated and therefore for all three PMMA products concerned.

The Court observes in that regard that the fact that they were not active in all of the product sectors does not mean that they could not be held liable for the entire single infringement.

However, the Court notes that, in the present case, the Commission itself acknowledged in its decision that those companies were not aware or could not necessarily have had knowledge of the overall scheme of the anti-competitive arrangements as regards two of the three products concerned, namely PMMA moulding compounds and PMMA sanitary ware. The Commission had, on that ground, applied a reduction of 25% to the starting amount of their fine.

The Court accordingly finds that that the Commission has not established, as required by the case-law, that the companies in question knew or should have known that, by participating in an agreement relating to PMMA solid sheet, it was part of a global cartel relating to all three PMMA products. In particular, it finds that the mere fact that they were aware of and pursued the anti-competitive objectives in PMMA solid sheet did not mean that they were aware of the single objective pursued by the cartel as a whole in the methacrylates sector.

The Court thus rejects the Commission's argument that those companies could be held liable for the single infringement, even though they may have perceived it as covering only PMMA solid sheet, because it was in fact an integral part of a larger single infringement covering all three PMMA products.

Consequently, the Court holds that **the Commission has not established that the participation of the companies in the Quinn Group in the infringement in respect of PMMA solid sheet gave rise to liability for them for the entire single infringement. The Court accordingly annuls the Commission's decision on this point.**

However, **the Court decides not to reduce the fine any further on this ground**, taking the view that the 25% reduction in the starting amount of the fine, already granted by the Commission, is a suitable reflection of the gravity of the infringement.

Lastly, the Court rejects the other arguments put forward by the companies in the Quinn Group, including those seeking a further reduction in the amount of the fine by way of mitigating circumstances.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery

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