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Press and Information

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Judgments of the Court of First Instance in Cases T-50/03, T-52/03, T-53/03 and T-54/03

Saint-Gobain Gyproc, Lafarge, BPB and Knauf v Commission

THE COURT OF FIRST INSTANCE UPHOLDS THE DECISION IMPOSING FINES ON KNAUF, LAFARGE AND GYPROC BUT REDUCES THE FINE IMPOSED ON BPB FOR THEIR PARTICIPATION IN A CARTEL ON THE PLASTERBOARD MARKET

A reduction in the fine is granted to BPB for its cooperation during the investigation

By decision of 27 November 2002,¹ the Commission imposed fines on the undertakings Gyproc, Lafarge, BPB and Knauf for their participation in a single, continuous infringement which was manifested in conduct constituting agreements or concerted practices. That conduct consisted of exchanges of information relating to sales volumes, concerted action on price increases and meetings with a view to sharing out or stabilising the markets in the plasterboard sector. The undertakings participated in anticompetitive activities on the four principal markets of the European Community, namely Germany, the United Kingdom, France and Benelux, between 1992 and 1998 (Gyproc was involved only between 1996 and 1998).

The Commission considered that there was a considerable disparity between the undertakings concerned and applied differential treatment, proceeding to that end on the basis of turnover from the sales of plasterboard on the markets concerned during the last year of the infringement at issue and taking into account in particular the size and worldwide resources of the undertakings, as well as the duration of the infringement and any attenuating or aggravating circumstances. Consequently, it imposed fines of EUR 138.6 million on BPB, EUR 85.8 million on Knauf, EUR 249.6 million on Lafarge and EUR 4.32 million on Gyproc.

By their applications, the four undertakings requested either the annulment of the Commission's decision or a reduction in the fines. In today's judgments, **the Court of First Instance upholds the decision of the Commission in respect of the fines imposed on Knauf, Lafarge and Gyproc.**

As regards BPB, the Court of First Instance considers that the reduction in the fine granted by the Commission for the cooperation of the undertaking was not sufficient inasmuch as the latter was able to provide additional evidence confirming the existence of the cartel. BPB was in fact

¹ Case No COMP/E-1/37.152 – Plasterboard, Decision 2005/471/EC (summarised in OJ 2005 L 166, p. 8)

the first participant in the anticompetitive practice to disclose, after the Commission's request for information but in a way that went beyond what was requested, detailed information about certain meetings between the four undertakings. As a consequence, that evidence was able to strengthen, to a considerable degree, the Commission's arguments relating to the existence of an overall plan, thus making it possible to increase substantially the amount of the fines in respect of the gravity of the infringement.

That evidence enables the Court of First Instance to grant BPB an additional reduction of 10% of the amount of the fine, over and above the 30% already granted by the Commission. Consequently, **the fine is fixed at EUR 118.8 million.**

REMINDER: An appeal, limited to points of law only, may be brought before the Court of Justice of the European Communities against a decision of the Court of First Instance, within two months of its notification.

Unofficial document for media use, not binding on the Court of First Instance.

Languages available: FR, DE, EN, IT, RO

The full text of the judgment may be found on the Court's internet site

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=T-50/03>

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=T-52/03>

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=T-53/03>

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=T-54/03>

It can usually be consulted after midday (CET) on the day judgment is delivered.

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