

Press and Information Division

**PRESS RELEASE No 35/04**

29 April 2004

Judgment of the Court of First Instance in Joined Cases T-236/01, T-239/01,  
T-244/01, T-245/01, T-246/01, T-251/01 and T-252/01

*Tokai Carbon, SGL Carbon, Nippon Carbon, Showa Denko, GrafTech International,  
SEC Corporation and C/G Group v Commission of the European Communities*

**THE COURT OF FIRST INSTANCE REDUCES THE FINES IMPOSED BY  
THE DECISION OF THE COMMISSION AGAINST AN ANTI-  
COMPETITIVE CARTEL IN THE GRAPHITE ELECTRODE MARKET**

*The total amount of the fines is reduced from EUR 207.2 million to EUR 152.8 million*

In a decision of 2001, the Commission found the existence of a price-fixing agreement and a partitioning of the market according to the “home producer” principle in the graphite electrodes sector. Graphite electrodes are principally used for the production of steel in electric arc furnaces. As a result the Commission imposed fines totally nearly EUR 220 million on the eight American, German and Japanese companies involved.

Seven of these companies appealed against this decision to the Court of First Instance, requesting in particular a reduction of their fines.

By today’s judgment, the Court of First Instance has found that the Commission had misapplied certain rules imposed by the Commission itself by its guidelines on the method of calculating fines imposed in accordance with Community competition law. The Court of First Instance has therefore reduced the fines imposed on the companies to approximately EUR 153 million in total. This reduction has had the greatest impact on the fines imposed on the four Japanese companies (Tokai Carbon, Nippon Carbon, Showa Denko and SEC Corporation).

However, the Court of First Instance has partially allowed the request of the Commission to withdraw the reduction of the fine initially granted by the Commission

to Nippon Carbon and SGL Carbon for not contesting facts. As a result, as these two companies contested facts before the Court of First Instance to which they had previously admitted, the initial reduction of the fine has been diminished.

## ANNEX

Amounts of fines imposed by the Commission and reduced by the Court of First Instance, by company participating in the cartel (with the exception of VAW Aluminium who did not appeal to the Court of First Instance).

<b>Company</b>	<b>Fine imposed by the Commission (EUR)</b>	<b>Amount after reduction by CFI (EUR)</b>
Tokai Carbon Co. Ltd.	24,500,000	12,276,000
SGL Carbon AG	80,200,000	69,114,000
Nippon Carbon Co. Ltd.	12,200,000	6,274,400
Showa Denko KK	17,400,000	10,440,000
GrafTech International Ltd. (UCAR)	50,400,000	42,050,000
SEC Corporation	12,200,000	6,138,000
The Carbide/Graphite Group, Inc. (C/G Group)	10,300,000	6,480,000
<b>Total</b>	<b>207,200,000</b>	<b>152,772,400</b>

**Note: an appeal, limited to questions of law, may be brought before the Court of Justice of the European Communities against the decision of the Court of First Instance, within two months from the date of its notification.**

*Unofficial document, for media use only, which does not bind the Court of First Instance.*

*Available languages: English, French and German.*

*The full text of the judgment can be found on the internet ([www.curia.eu.int](http://www.curia.eu.int)).  
In principle it will be available from midday CET on the day of delivery.*

*For additional information please contact Christopher Fretwell.  
Tel: (00352) 4303 3355      Fax: (00352) 4303 2731*