



General Court of the European Union

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Judgments in Case T-446/05, Case T-448/05, Case T-452/05, Joined Cases  
T-456/05 and T-457/05

Amann & Söhne GmbH & Co. and Cousin Filterie SAS, Oxley Threads Ltd,  
Belgian Sewing Thread (NV), Gütermann AG, Zwicky & Co. AG v  
Commission

IPress and Information

## **The General Court confirms the fines totalling €23.44 million imposed on five undertakings for taking part in cartels on the industrial threads markets**

*However, it reduces the fine initially imposed on Belgian Sewing Thread from €980 000 to €856 800 on account of its cooperation during the investigation*

By decision of 14 September 2005<sup>1</sup>, the Commission imposed fines on certain producers for their participation in cartels on the industrial threads markets, in breach of the competition rules.

The Commission discovered evidence enabling it to conclude that three cartels existed. **The first** concerned the industrial thread market in the United Kingdom and was not penalised because the imposition of a fine was time-barred. **The second** cartel – in which Oxley Threads (United Kingdom), Cousin Filterie (France) and Amann & Söhne (Germany) participated from May 1998 to 15 May 2000 – concerns the automotive thread market in the European Economic Area (EEA). **The third** cartel – in which Belgian Sewing thread (BST – Belgium), Amann, Gütermann (Germany) and Zwicky (Switzerland) participated, from January 1990 to September 2001 in the case of BST, Amann and Zwicky, and from January 1990 to November 2000 in the case of Zwicky – concerns the industrial thread market in Benelux and the Nordic countries.

With regard to the EEA automotive thread market and the industrial thread market in Benelux and the Nordic countries, the Commission complains that the thread producers took part in regular meetings in order to reach agreement on price increases and/or target prices, to exchange sensitive information concerning price lists or the prices to be charged to various customers, to avoid undercutting, to the advantage of the incumbent supplier, and to arrange customer allocation.

The Commission imposed a fine of €4.89 million on Amann and Cousin, which were considered to be jointly and severally liable. In addition, the Commission imposed an additional fine of €13.09 million on Amann for its participation in the cartel in Benelux and the Nordic countries. Oxley was ordered to pay €1.27 million. The Commission also imposed a fine of €980 000 on BST, a fine of €4.02 million on Gütermann and a fine of €170 000 on Zwicky.

By their actions before the Court, the undertakings sought either annulment of the Commission decision or a reduction in their fines.

The Court first rejects the arguments relied on by the companies in support of their actions for annulment of the decision.

Next, in response to BST's application for a reduction in its fine, the Court points out that the amount of a fine may be reduced where an undertaking has cooperated during the investigation. In the present case, BST was initially granted a 20% reduction for providing the Commission with evidence which substantially assisted the Commission in establishing the infringements. Moreover,

<sup>1</sup> Commission Decision C(2005) 3452 of 14 September 2005 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/38.337 – PO/Thread), as amended by Commission Decision C(2005) 3765 of 13 October 2005 (OJ 2005 C 21, p. 10).

BST had not substantially contested the facts on which the Commission based its allegations. The Court considers that the 20% reduction is insufficient inasmuch as the Commission refers frequently to the documents provided by BST, which proves the importance of that evidence. The Court notes that Amann, Gütermann and Zwicky were granted a 15% reduction in their fines even though the Commission described their cooperation as 'useless' as compared with that of BST. The Court concludes that the difference between the reduction in BST's fine and the reduction granted to Amann, Gütermann and Zwicky is unreasonably narrow inasmuch as the latter three undertakings did not make any particular effort during the administrative procedure.

Consequently, **the Court grants BST an additional reduction of 10%, in addition to the 20% reduction already granted by the Commission, and fixes the amount of the fine at €56 800.**

**With regard to Amann, Cousin, Oxley, Gütermann and Zwicky, the Court confirms the Commission decision and maintains the amounts of the fines imposed.**

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**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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