Judgment of the Court of First Instance (Fourth Chamber) of 12 September 2007 — Commission v Trends

(Case T-449/04)

Arbitration clause — Second framework programme for research, technological development and demonstration — Contracts involving projects in the field of road transport informatics and telecommunications — Lack of supporting documents for part of the declared expenses — Termination of contracts — Expired contracts

1. *Procedure — Time-limit for producing evidence (Rules of Procedure of the Court of First Instance, Arts 48(1) and 66(2)) (see paras 59, 65)*

2. *Procedure — Referral to the Court of First Instance under an arbitration clause (Art. 238 EC; Council Decision Nos 87/516 and 88/416) (see paras 72, 73, 75)*

3. *Procedure — Introduction of new pleas during the proceedings (Rules of Procedure of the Court of First Instance, Art. 48(2)) (see para 112)*

Re:

APPLICATION by the Commission under an arbitration clause within the meaning of Article 238 EC seeking an order that Trends reimburse the Commission in the sum of EUR 195 435 plus contractual interest or, in the alternative, plus default interest.

Operative part

The Court:

1. Dismisses the action;

2. Dismisses the interlocutory application;

3. Orders the Commission to pay the costs except for those arising from the interlocutory application;

4. Orders Transport Environment Development Systems (Trends) to pay the costs of the interlocutory application.

Judgment of the Court of First Instance (Second Chamber) of 12 September 2007 — Prym and Prym Consumer v Commission

(Case T-30/05)

Competition — Cartels — European haberdashery market (needles) — Product market sharing — Geographic market sharing — Fine — Guidelines on the method of setting fines — Duty to state reasons — Gravity and duration of the infringement — Leniency notice

1. *Competition — Fines — Amount — Limit — Application to each fine individually in the case of distinct infringements (Council Regulation No 1/2003, Art. 23(2)) (see paras 63, 64)*

2. *Community law — Principles — Protection of legitimate expectations — Conditions (Internal Rules of the Commission, Art. 1) (see para. 67)*

3. *Competition — Administrative procedure — Decision finding an infringement — Obligation to define the market in question — Scope (Art. 81 EC) (see paras 86-88)*