INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Order of the Court (Seventh Chamber) of 7 February 2012 — Total and Elf Aquitaine v Commission

(Case C-421/11 P)

(Appeal — Regulation (EC) No 1/2003 — Competition — Cartel — Market for methacrylates — Concept of 'undertaking' — Presumption of decisive influence — Obligation to state reasons — Principle of sound administration — Extension of the authority of a final decision — Deterrent multiplying factor — Indivisible nature of the fine — Unlimited jurisdiction)

1. *Appeals — Grounds — Specific criticism of a point of the General Court's reasoning necessary (Art. 256 TFEU; Statute of the Court of Justice, Art. 58; Rules of Procedure of the Court of Justice, Art. 112(1)(c)) (see paras 17, 31, 69-71)*

2. *Competition — Union rules — Infringements — Attribution — Parent company and subsidiaries — Economic unit — Criteria for assessment — Presumption that a parent company wields decisive influence over its wholly-owned subsidiaries (Art. 101 TFEU; Council Regulation No 1/2003, Art. 23(2)) (see paras 25, 28, 30, 33, 38, 46-50, 62)*

3. *Appeals — Grounds — Inadequate statement of reasons — Reliance by the General Court on implied reasoning — Whether permissible — Conditions (Art. 256 TFEU; Statute of the Court of Justice, Arts 36 and 53, first para.) (see paras 41-42)*

4. *Appeals — Jurisdiction of the Court — Challenge on grounds of fairness to the General Court's assessment concerning the amount of a fine imposed on an undertaking — Excluded (Art. 101 TFEU; Statute of the Court of Justice, Art. 58; Council Regulation No 1/2003, Art. 23) (see para. 87)*

Re:

Appeal brought against the judgment of the General Court (Fourth Chamber) of 7 June 2011 in Case T-206/06 *Total and Elf Aquitaine* v *Commission*, in which the General Court dismissed the action for annulment of 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) — Competition — Cartel — Infringement of the principle that the institutions must

act within the limits of their powers and of the principle of proportionality — Manifestly erroneous interpretation — Infringement of the rights of the defence and of the principles of equity and of equality of arms — Duty to state reasons — Infringement of the principle of sound administration.

Operative part

1. The appeal is dismissed.

2. Total SA and Elf Aquitaine SA are ordered to pay the costs.