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)*

4. *Competition — Fines — Amount — Determination — Measure of the actual capacity to cause significant damage to competition on the market concerned (Art. 81(1) EC; Council Regulation No 17, Art. 15(2)) (see para. 90)*

5. *Acts of the institutions — Statement of reasons — Obligation — Scope (Art. 253 EC) (see para. 92)*

6. *Competition — Agreements, decisions and concerted practices — Agreements between undertakings — Effect on trade between Member States — Criteria — Market not significantly affected — Agreement not prohibited (Art. 81(1) EC) (see paras 102, 103, 140)*

7. *Competition — Fines — Amount — Determination — Criteria — Seriousness of the infringement (Art. 81(1) EC; Council Regulation No 17, Art. 15(2); Commission Notice 98/C 9/03, point 5(b)) (see paras 108, 110, 191)*

8. *Competition — Fines — Amount — Determination — Criteria — Duration of the infringement (Art. 81(1) EC; Council Regulation No 17, Art. 15(2)) (see paras 127, 128, 133)*

9. *Competition — Community rules — Infringement committed by a wholly owned subsidiary — Imputed by presumption to the parent company (Art. 81 EC) (see para. 146)*

10. *Competition — Fines — Amount — Determination — Power of assessment conferred on the Commission by Article 23 of Regulation No 1/2003 (Council Regulation No 1/2003, Art. 23) (see paras 153-156)*

11. *Community law — Principles — Non-retroactivity of penal provisions — Scope — Fines imposed for breach of the competition rules — Included (Council Regulation No 1/2003, Art. 23; Commission Notice 98/C 9/03) (see paras 164-168)*

12. *Competition — Fines — Amount — Determination — Criteria — Seriousness and duration of the infringement (Council Regulation No 1/2003, Art. 17, Arts 15(2) and 23; Commission Notice 98/C 9/03, point 1 A, para. 6) (see paras 180-182, 238, 240, 241)*

13. *Competition — Fines — Amount — Determination — Criteria — Seriousness of the infringement — Attenuating circumstances (Council Regulation No 17, Art. 15(2); Commission Notice 98/C 9/03, point 3) (see paras 204, 205, 207, 208, 211)*

14. *Competition — Fines — Amount — Determination — Commission's margin of discretion — Limits — Compliance with the proportionality principle (Council Regulation No 1/2003, Art. 23(2)) (see paras 223, 224, 226)*

15. *Competition — Fines — Amount — Determination — Criteria — Obligation to take account of the financial situation of the undertaking concerned (Council Regulation No 17, Art. 15(2)) (see para. 230)*

16. *Competition — Fines — Amount — Determination — Criteria — Attitude of the undertaking during the administrative procedure (Council Regulation No 17, Art. 15(2); Commission Notice 96/C 207/04, Title D, point 2) (see paras 251, 252)*

Re:

APPLICATION, principally, for annulment of Commission Decision C(2004) 4221 final of 26 October 2004 relating to a proceeding under Article 81 [EC] (Case COMP/F-1/38.338 — PO/Needles) in so far as it relates to the applicants, and, in the alternative, for annulment or reduction of the fine imposed on the applicants.

Operative part

The Court:

1. Sets the amount of the fine imposed on William Prym GmbH & Co. KG and Prym Consumer GmbH & Co. KG under Article 2 of Commission Decision C(2004) 4221 final of 26 October 2004 relating to a proceeding under Article 81 [EC] (Case COMP/F-1/38.338 — PO/Needles) at EUR 27 million;

2. Dismisses the remainder of the appeal;

3. Orders William Prym and Prym Consumer to bear 90% of their own costs and to pay 90% of the costs incurred by the Commission, and the Commission to bear 10% of its own costs and to pay 10% of the costs incurred by William Prym and Prym Consumer.

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

(Case T-36/05)

Competition — Cartels — European haberdashery market (needles) — Product market sharing — Geographic market sharing — Assessment of evidence — Participation in meetings — Tripartite agreement — Fine — Gravity and duration of the infringement — Attenuating circumstances

1. *Competition — Administrative procedure — Commission decision finding an infringement consisting in the conclusion of an anti-competitive agreement — Compliance with the principle of the presumption on innocence — Degree of probative force required for the Commission's evidence (Art. 81(1) EC) (see paras 68, 70-72, 74)*