GENERAL COURT

Judgment of the General Court of 8 November 2011 — Zhejiang Harmonic Hardware Products v Council

(Case T-274/07) [1]

(Dumping — Imports of ironing boards originating in the People's Republic of China and Ukraine — Market economy treatment — Rights of the defence — Offer of price undertakings — Confidential treatment of the complainants' identity)

(2011/C 370/34)

Language of the case: English

Parties

Applicant: Zhejiang Harmonic Hardware Products Co. Ltd (Quzhou, Zhejiang, China) (represented by: R. MacLean, Solicitor, and Y. Melin, lawyer)

Defendant: Council of the European Union (represented by: J.-P. Hix and B. Driessen, acting as Agents, B. O'Connor, Solicitor, and E. McGovern, Barrister)

Interveners in support of the defendant: European Commission (represented by H. van Vliet and K. Talabér-Ritz, acting as Agents); Vale Mill (Rochdale) Ltd (Rochdale, United Kingdom), Pirola SpA (Mapello, Italy) and Colombo New Scal SpA (Rovagnate, Italy) (represented by G. Berrisch and G. Wolf, lawyers)

Re:

Action for annulment of Council Regulation (EC) No 452/2007 of 23 April 2007 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ironing boards originating in the People's Republic of China and Ukraine (OJ 2007 L 109, p. 12), in so far as it imposes an anti-dumping duty on imports of ironing boards manufactured by the applicant.

Operative part of the judgment

The Court:

1. *Annuls Articles 1 and 2 of Council Regulation (EC) No 452/2007 of 23 April 2007 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ironing boards originating in the People's Republic of China and Ukraine, in so far as they impose a definitive anti-dumping duty and collect definitively the provisional duty on ironing boards manufactured by Zhejiang Harmonic Hardware Products Co. Ltd;*

2. *Orders the Council of the European Union to bear its own costs and to pay those incurred by Zhejiang Harmonic Hardware Products;*

3. *Orders the European Commission, Vale Mill (Rochdale) Ltd, Pirola SpA and Colombo New Scale SpA to bear their own costs.*

[1] OJ C 223, 22.9.2007.

Judgment of the General Court of 8 November 2011 — Walton v Commission

(Case T-37/08) [1]

(Implementation of the budget — Recovery — Offsetting of amounts receivable — Retroactive effect — Judgment of the General Court ordering the Commission to pay damages and interest — Amount receivable to be certain, of a fixed amount and due)

(2011/C 370/35)

Language of the case: English

Parties

Applicant: Robert Walton (Oxford, United Kingdom) (represented by: D. Beard, Barrister)

Defendant: European Commission (represented by: J. Currall, acting as Agent)

Re:

Action for annulment of the Commission Decision of 16 November 2007 to recover by offsetting the sum of EUR 36 551,58 due to it by the applicant.

Operative part of the judgment

The Court:

1. *Annuls the Commission decision of 16 November 2007 to the extent that it includes interest incurred after 12 July 2007 in the amounts offset;*

2. *Orders each party to bear its own costs.*

[1] OJ C 92, 12.4.2008.

Judgment of the General Court of 10 November 2011 — Elliniki Nafpigokataskevastiki and Others v Commission

(Case T-384/08) [1]

(State aid — Shipbuilding — Aid granted by the Greek authorities in the form of an indemnification guarantee — Decision declaring the aid incompatible with the common market — Concept of State aid — Imputability to the State — State resources — Private investor test)

(2011/C 370/36)

Language of the case: English

Parties

Applicants: Elliniki Nafpigokataskevastiki AE Chartofylakeiou (Chaidari, Greece); Howaldtswerke-Deutsche Werft GmbH (Kiel, Germany); and ThyssenKrupp Marine Systems AG (Hamburg, Germany) (represented by: U. Soltész and C. von Köckritz, lawyers)

Defendant: European Commission (represented by: L. Flynn, M. Konstantinidis and C. Urraca Caviedes, Agents)

Intervener in support of the defendant: Trapeza Peiraios AE (Athens, Greece) (represented by S. Pappas, I. Ktenidis and C. Apalagaki, lawyers)

Re:

Application for annulment of Article 16 of Commission Decision 2009/610/EC of 2 July 2008 on the measures C 16/04 (ex NN 29/04, CP 71/02 and CP 133/05) implemented by Greece in favour of Hellenic Shipyards SA (OJ 2009 L 225, p. 104).

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Elliniki Nafpigokataskevastiki AE Chartofylakeiou, Howaldtswerke-Deutsche Werft GmbH and ThyssenKrupp Marine Systems AG to bear their own costs and to pay those incurred by the European Commission and by Trapeza Peiraios AE.*

(1) OJ C 301, 22.11.2008.

Judgment of the General Court of 8 November 2011 — Idromacchine and Others v Commission

(Case T-88/09) (1)

(Non-contractual liability — State aid — Commission decision to initiate a formal investigation procedure — Information detrimental to a third-party company — Sufficiently serious breach of a rule of law conferring rights on individuals — Obligation of professional secrecy — Non-material damage — Material damage — Causal link — Default and compensatory interest)

(2011/C 370/37)

Language of the case: Italian

Parties

Applicants: Idromacchine Srl (Porto Marghera, Italy); Alessandro Capuzzo (Mirano, Italy); and Roberto Capuzzo (Mogliano Veneto, Italy) (represented by: W. Viscardini and G. Donà, lawyers)

Defendant: European Commission (represented by: D. Grespan and E. Righini, acting as Agents, assisted by F. Ruggeri Laderchi, lawyer)

Re:

Action for damages for the loss allegedly suffered on account of the publication in the *Official Journal of the European Union* of false information adversely affecting inter alia the image and reputation of Idromacchine in Commission Decision C(2002) 5426 final of 30 December 2004 'State aid — Italy — State aid N 586/2003, N 587/2003, N 589/2003 and C 48/2004 (ex N 595/2003) — Extension of the 3-year delivery limit for a chemical tanker — Invitation to submit comments pursuant to Article 88(2) [EC]'

Operative part of the judgment

The Court:

1. *Orders the European Commission to pay Idromacchine Srl damages of EUR 20 000 in respect of the non-material damage it has suffered;*

2. *Orders that the damages to be paid to Idromacchine be paid with compensatory interest, as from 18 February 2005 to the delivery of the present judgment, at the rate set by the European Central Bank (ECB) for main refinancing operations, increased by two percentage points;*

3. *Orders that the damages to be paid to Idromacchine be paid with default interest, as from the delivery of the present judgment to complete payment of those damages, at the rate set by the European Central Bank (ECB) for main refinancing operations, increased by two percentage points;*

4. *Dismisses the action as to the remainder;*

5. *Orders the Commission to bear its own costs and two thirds of the costs incurred by Idromacchine, Mr Alessandro Capuzzo and Mr Roberto Capuzzo, who are to bear a third of their own costs.*

(1) OJ C 102, 1.5.2009.

Judgment of the General Court of 10 November 2011 — Esprit International v OHIM — Marc O'Polo International (Representation of a letter on a pocket)

(Case T-22/10) (1)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark consisting of the representation of a letter on a pocket — Earlier national figurative mark representing a letter — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 370/38)

Language of the case: German

Parties

Applicant: Esprit International LP (New York, New York, United States) (represented by: M. Treis and E.-M. Strobel, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially, S. Schäffner, and subsequently, G. Schneider, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Marc O'Polo International GmbH (Stephanskirchen, Germany) (represented by: A. Gaul, V. Spitz, T. Golda and S. Kirschstein-Freund, lawyers)