

**Judgment of the Court of First Instance of 1 July 2008 —
Compagnie maritime belge v Commission**

(Case T-276/04) ⁽¹⁾

(Competition — Abuse of collective dominant position — Shipping conference — Decision imposing a fine on the basis of an earlier decision annulled in part by the Court of Justice — Regulation (EEC) No 2988/74 — Reasonable time-limit — Rights of the defence — Legal certainty — Force of res judicata)

(2008/C 209/73)

Language of the case: French

Parties

Applicant: Compagnie maritime belge SA (Antwerp, Belgium) (represented by: D. Waelbroeck, lawyer)

Defendant: Commission of the European Communities (represented initially by É. Gippini Fournier, P. Hellström and F. Amato, then by É. Gippini Fournier, Agents)

Re:

Action for annulment of Commission Decision 2005/480/EC of 30 April 2004 relating to a proceeding under Article 82 EC (Cases COMP/D2/32.448 and 32.450) (summarised in OJ 2005 L 171, p. 28), imposing a fine on the applicant for alleged abuses of a collective dominant position engaged in by the Cewal conference and, in the alternative, the reduction of that fine.

Operative part of the judgment

The Court hereby:

1. Dismisses the action;
2. Orders *Compagnie maritime belge SA* to pay two-thirds of its own costs and two-thirds of the costs incurred by the Commission, and orders the Commission to pay one-third of its own costs and one-third of the costs incurred by *Compagnie maritime belge*.

⁽¹⁾ OJ C 262, 23.10.2004.

**Judgment of the Court of First Instance (Third Chamber) of
9 July 2008 — Trubowest Handel GmbH and Makarov v
Council and Commission**

(Case T-429/04) ⁽¹⁾

(Non-contractual liability — Anti-dumping duties — Anti-dumping Regulation (EC) No 2320/97 — Lawyers' fees incurred in domestic proceedings — Inadmissibility — Material and non-material damage — Causal link)

(2008/C 209/74)

Language of the case: English

Parties

Applicants: Trubowest Handel GmbH (Cologne, Germany) and Viktor Makarov, (Cologne), (represented by: K. Adamantopoulos and E. Petritsi, lawyers)

Defendants: Council of the European Union (represented by: J.-P. Hix, Agent, and G. Berrisch, lawyer) and Commission of the European Communities (represented by N. Khan and T. Scharf, Agents)

Re:

Application for compensation under Article 288 EC, in respect of the damage allegedly suffered by the applicants by reason of the adoption of Council Regulation (EC) No 2320/97 of 17 November 1997 imposing definitive anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Hungary, Poland, Russia, the Czech Republic, Romania and the Slovak Republic, repealing Regulation (EEC) No 1189/93 and terminating the proceeding in respect of such imports originating in the Republic of Croatia (OJ 1997 L 322, p. 1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders *Trubowest Handel GmbH* and *Victor Makarov* to pay, in addition to their own costs, the costs incurred by the Council and the Commission.

⁽¹⁾ OJ C 31, 5.2.2005.