

GENERAL COURT

Judgment of the Court of First Instance (Sixth Chamber) of 18 November 2009 — Scheucher-Fleisch and Others v Commission

(Case T-375/04) ⁽¹⁾

(State aid — Agriculture — State aid for quality programmes in the agricultural foodstuffs sector in Austria — Decision not to raise objections — Action for annulment — Standing as party concerned — Safeguarding procedural rights — Admissibility — Serious difficulties — Guidelines for State aid for advertising)

(2010/C 11/38)

Language of the case: German

Parties

Applicants: Scheucher-Fleisch GmbH (Ungerdorf, Austria); Tauernfleisch Vertriebs GmbH (Flattach, Austria); Wech-Kärntner Truthahnverarbeitung GmbH (Glanegg, Austria); Wech-Geflügel GmbH (Sankt Andrä, Austria) and Johann Zsifkovics (Vienna, Austria) (represented by: J. Hofer and T. Humer, lawyers)

Defendant: Commission of the European Communities (represented by: V. Kreuzsitz and A. Stobiecka-Kuik, acting as Agents)

Re:

Application for annulment of Commission Decision C(2004) 2037 final of 30 June 2004 on State aid NN 34A/2000 concerning the quality programmes and labels AMA-Biozeichen and AMA-Gütesiegel in Austria

Operative part of the judgment

The Court:

1. Annuls Commission Decision C (2004) 2037 final of 30 June 2004 on State aid NN 34A/2000 concerning the quality programmes and labels AMA Biozeichen and AMA Gütesiegel in Austria;
2. Orders the Commission of the European Communities to bear its own costs and to pay those incurred by Scheucher-Fleisch GmbH, Tauernfleisch Vertriebs GmbH, Wech-Kärntner Truthahnverarbeitung GmbH, Wech-Geflügel GmbH and Johann Zsifkovics.

⁽¹⁾ OJ C 300, 4.12.2004.

Judgment of the Court of First Instance of 17 November 2009 — MTZ Polyfilms v Council of the European Union

(Case T-143/06) ⁽¹⁾

(Dumping — Imports of polyethylene terephthalate film originating in India — Regulation terminating an interim review — Minimum import price undertakings — Determination of the export price — Application of a methodology different from that used in the initial investigation — Choice of legal basis — Article 2(8) and (9) and Article 11(3) and (9) of Regulation (EC) No 384/96)

(2010/C 11/39)

Language of the case: English

Parties

Applicant: MTZ Polyfilms Ltd (Mumbai, India) (represented by: P. De Baere, lawyer)

Defendant: Council of the European Union (represented by: J.-P. Hix, acting as Agent, and by G. Berrisch, lawyer)

Intervener in support of the defendant: Commission of the European Communities (represented by N. Khan and K. Talabér-Ricz, acting as Agents)

Re:

Annulment of Council Regulation (EC) No 366/2006 of 27 February 2006 amending Regulation (EC) No 1676/2001 imposing a definitive anti-dumping duty on imports of polyethylene terephthalate (PET) film originating, inter alia, in India

Operative part of the judgment

The Court:

1. Annuls Council Regulation (EC) No 366/2006 of 27 February 2006 amending Regulation (EC) No 1676/2001 imposing a definitive anti-dumping duty on imports of polyethylene terephthalate (PET) film originating, inter alia, in India, to the extent that it imposes an anti-dumping duty on MTZ Polyfilms Ltd;
2. Orders the Council of the European Union to bear its own costs and to pay those of MTZ Polyfilms and orders the Commission of the European Communities to bear its own costs.

⁽¹⁾ OJ C 178, 29.7.2006.