

2. *Orders Usha Martin Ltd to pay the costs.*

(¹) OJ C 154, 1.7.2006.

**Judgment of the General Court of 9 September 2010 —
Tomra Systems and Others v Commission**

(Case T-155/06) (¹)

(Competition — Abuse of dominant position — Market for machines for the collection of used beverage containers — Decision finding an infringement of Article 82 EC and Article 54 of the EEA Agreement — Exclusivity agreements, quantity commitments and loyalty rebates forming part of a strategy of excluding competitors from the market — Fine — Proportionality)

(2010/C 288/58)

Language of the case: English

Parties

Applicants: Tomra Systems ASA (Asker, Norway); Tomra Europe AS (Asker); Tomra Systems GmbH (Hilden, Germany); Tomra Systems BV (Apeldoorn, Netherlands); Tomra Leergutssysteme GmbH (Vienna, Austria); Tomra Systems AB (Sollentuna, Sweden); and Tomra Butikkssystemer AS (Asker) (represented by: initially, A. Ryan, Solicitor, and J. Midthjell, lawyer, and subsequently, by A. Ryan and N. Frey, Solicitors)

Defendant: European Commission (represented by: É. Gippini Fournier, acting as Agent)

Re:

Application for annulment of Commission Decision C(2006) 734 final of 29 March 2006 relating to proceedings under Article 82 [EC] and Article 54 of the EEA Agreement (Case COMP/E 1/38.113 — Prokent Tomra)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Tomra Systems ASA, Tomra Europe AS, Tomra Systems GmbH, Tomra Systems BV, Tomra Leergutssysteme GmbH, Tomra Systems AB and Tomra Butikkssystemer AS to bear their own costs and to pay those incurred by the European Commission.

(¹) OJ C 190, 12.8.2006.

**Judgment of the General Court of 9 September 2010 —
CSL Behring v Commission and EMA**

(Case T-264/07) (¹)

(Medicinal products for human use — Procedure for designation of orphan medicinal products — Application for designation of human fibrinogen as an orphan medicinal product — Obligation to submit the application for designation before the application for marketing authorisation is made — Decision of EMA on the validity of the application)

(2010/C 288/59)

Language of the case: German

Parties

Applicant: CSL Behring GmbH (Marburg, Germany) (represented by: C. Koenig, Professor, and F. Leinen, lawyer)

Defendants: European Commission (represented by: B. Stromsky and B. Schima, Agents) and European Medicines Agency (EMA), (represented by V. Salvatore, Agent, T. Eicke, Barrister and C. Sherliker, Solicitor)

Intervener in support of the defendant European Commission: European Parliament (represented by E. Waldherr and I. Anagnostopoulou, Agents)

Re:

Action for annulment of the decision of 24 May 2007 of the European Medicines Agency (EMA) declaring invalid the applicant's application for designation of human fibrinogen as an orphan medicinal product within the meaning of Regulation (EC) No 141/2000 of the European Parliament and of the Council of 16 December 1999 on orphan medicinal products (OJ 2000 L 18, p. 1)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders CSL Behring GmbH to bear its own costs and to pay those of the European Commission and of the European Medicines Agency (EMA);
3. Orders the European Parliament to bear its own costs.

(¹) OJ C 235, 6.10.2007.