

GENERAL COURT

Judgment of the General Court of 17 May 2011 — Buczek Automotive v Commission(Case T-1/08) ⁽¹⁾

(State aid — Restructuring of the Polish steel industry — Recovery of public debts — Decision declaring the aid incompatible with the common market and ordering its recovery — Action for annulment — Interest in bringing proceedings — Admissibility — Concept of State aid — Private investor criterion)

(2011/C 186/32)

Language of the case: Polish

Parties

Applicant: Buczek Automotive sp. z o.o. (Sosnowiec, Poland) (represented by: initially T. Gackowski, then D. Szlachetko-Reiter and lastly J. Jurczyk, lawyers)

Defendant: European Commission (represented by: initially K. Gross, M. Kaduczak, A. Stobiecka-Kuik and K. Herrmann, then A. Stobiecka-Kuik, K. Herrmann and T. Maxian Rusche, Agents)

Intervener in support of the applicant: Republic of Poland, (represented by: M. Niechciala, then M. Krasnodębska-Tomkiel and M. Rzotkiewicz, Agents)

Re:

Partial annulment of Commission Decision 2008/344/EC of 23 October 2007 on State Aid C 23/06 (ex NN 35/06) which Poland has implemented for steel producer Technologie Buczek Group (OJ 2008 L 116, p. 26).

Operative part of the judgment

The Court:

1. Annuls Article 1 of Commission Decision 2008/344/EC of 23 October 2007 on State Aid C 23/06 (ex NN 35/06) which Poland has implemented for steel producer Technologie Buczek Group;
2. Annuls Article 3(1) and (3) and Articles 4 and 5 of Decision 2008/344, in so far as they relate to Buczek Automotive sp. z o.o.;
3. Orders the European Commission to bear its own costs and to pay those incurred by Buczek Automotive, including those relating to the interim proceedings;
4. Orders the Republic of Poland to bear its own costs.

⁽¹⁾ OJ C 64, 8.3.2008.

Judgment of the General Court of 16 May 2011 — Atlas Transport v OHIM — Atlas Air (ATLAS)(Case T-145/08) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community trade mark ATLAS — Earlier Benelux trade mark atlasair — Formal requirements — Lodging of a statement setting out the grounds for the action — Suspension of the administrative procedure — Article 59 of Regulation (EC) No 40/94 (now Article 60 of Regulation (EC) No 207/2009) — Rule 20(7) of Regulation (EC) No 2868/95)

(2011/C 186/33)

Language of the case: German

Parties

Applicant: Atlas Transport GmbH (Düsseldorf, Germany) (represented by: U. Hildebrandt, K. Schmidt-Hern and B. Weichhaus, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: G. Schneider, Agent)

Other parties to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Atlas Air, Inc. (Wilmington, Delaware, United States); Atlas Air, Inc. (Wilmington, Delaware, United States) (represented by: R. Dissmann, then R. Dissmann and J. Guhn, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 24 January 2008 (Case R 1023/2007-1) relating to nullity proceedings between Atlas Air, Inc. and Atlas Transport GmbH.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Atlas Transport GmbH to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and Atlas Air, Inc.

⁽¹⁾ OJ C 158, 21.6.2008.