

## GENERAL COURT

### Judgment of the General Court of 21 March 2012 — Ireland and Others v Commission

(Joined Cases T-50/06 RENV, T-56/06 RENV, T-60/06 RENV, T-62/06 RENV and T-69/06 RENV) <sup>(1)</sup>

*(State aid — Directive 92/81/EEC — Excise duty on mineral oils — Mineral oils used as fuel for alumina production — Exemption from excise duty — Whether the exemption complies with a Council decision of authorisation under Article 8(4) of Directive 92/81 — Presumption of legality attaching to European Union measures — Legal certainty — Sound administration)*

(2012/C 133/39)

*Languages of the case: English, French and Italian*

#### Parties

*Applicants:* Ireland (represented initially by D. O'Hagan and subsequently by E. Creedon, acting as Agents, and P. McGarry, Barrister) (Case T-50/06 RENV); French Republic (represented by G. de Bergues and J. Gstalter, acting as Agents) (Case T-56/06 RENV); Italian Republic (represented by G. Aiello, G. De Bellis and S. Fiorentino, avvocati dello Stato) (Case T-60/06 RENV); Eurallumina SpA (Portoscuso, Italy) (represented by R. Denton and L. Martin Alegi, Solicitors) (Case T-62/06 RENV); and Aughinish Alumina Ltd (Askeaton, Ireland) (represented by J. Handoll and C. Waterson, Solicitors) (Case T-69/06 RENV)

*Defendant:* European Commission (represented by: V. Di Bucci, N. Khan, D. Grespan and K. Walkerová, acting as Agents)

#### Re:

Application for annulment of Commission Decision 2006/323/EC of 7 December 2005 concerning the exemption from excise duty on mineral oils used as fuel for alumina production in Gardanne, in the Shannon region and in Sardinia respectively implemented by France, Ireland and Italy (OJ 2006 L 119, p. 12).

#### Operative part of the judgment

*The Court:*

1. Annuls Commission Decision 2006/323/EC of 7 December 2005 concerning the exemption from excise duty on mineral oils used as fuel for alumina production in Gardanne, in the Shannon region and in Sardinia respectively implemented by France, Ireland and Italy, in so far as it finds, or is based on the finding, that the exemptions from excise duty on mineral oils used as fuel for alumina production granted by the French Republic, Ireland and the Italian Republic until 31 December 2003 constitute State aid within the meaning of Article 87(1) EC and in so far as it orders the French Republic, Ireland and the Italian Republic to take all measures necessary to recover those exemptions from the beneficiaries to the extent that the latter did not pay excise duty at the rate of at least EUR 13,01 per 1 000 kg of heavy fuel oils;

2. Orders the European Commission to bear its own costs and to pay the costs incurred by Ireland in Case T-50/06 RENV, by the French Republic in Case T-56/06 RENV, by the Italian Republic in Case T-60/06 RENV, by Eurallumina SpA in Case T-62/06 RENV and by Aughinish Alumina Ltd in Case T-69/06 RENV, including the costs of the application for interim measures in Case T-69/06 R.

<sup>(1)</sup> OJ C 86, 8.4.2006.

### Judgment of the General Court of 21 March 2012 — Marine Harvest Norway and Alsaker Fjordbruk v Council

(Case T-113/06) <sup>(1)</sup>

*(Dumping — Imports of salmon originating in Norway — Definition of the Community industry — Like product — Composition of the sample of Community producers)*

(2012/C 133/40)

*Language of the case: English*

#### Parties

*Applicants:* Marine Harvest Norway AS, successor in law to Fjord Seafood Norway AS (Bergen, Norway) and Alsaker Fjordbruk AS (Onarheim, Norway) (represented by: J.M. Juuhl-Langseth and P. Dyrberg, lawyers)

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

*Intervener in support of the defendant:* European Commission (represented: initially by P. Stancanelli and K. Talabér-Ritz, and subsequently by K. Talabér-Ritz, T. Scharf and H. van Vliet, acting as Agents, and by E. McGovern, Barrister)

#### Re:

Application for annulment of Council Regulation (EC) No 85/2006 of 17 January 2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of farmed salmon originating in Norway (OJ 2006 L 15, p. 1)

#### Operative part of the judgment

*The Court:*

1. Annuls Council Regulation (EC) No 85/2006 of 17 January 2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of farmed salmon originating in Norway in so far as it concerns Marine