

3. Orders each party to bear its own costs.

(<sup>1</sup>) OJ C 153, 4.7.2009.

**Judgment of the General Court of 17 May 2013 — MRI v Commission**

(Case T-154/09) (<sup>1</sup>)

*(Competition — Agreements, decisions and concerted practices — European market for marine hoses — Decision finding an infringement of Article 81 EC and Article 53 of the EEA Agreement — Price-fixing, market-sharing and the exchange of commercially sensitive information — Concept of continuing or repeated infringement — Limitation period — Obligation to state reasons — Equal treatment — Legal certainty — Fines — Gravity and duration of the infringement — Extenuating circumstances — Cooperation)*

(2013/C 189/31)

Language of the case: Italian

**Parties**

*Applicant:* Manuli Rubber Industries SpA (MRI) (Milan, Italy) (represented by: L. Radicati di Brozolo, M. Pappalardo and E. Marasà, lawyers)

*Defendant:* European Commission (represented by: V. Di Bucci, S. Noë and L. Prete, acting as Agents)

**Re:**

Application for partial annulment of Commission Decision C(2009) 428 final of 28 January 2009 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39406 — Marine hoses), in so far as that decision concerns the applicant, and, in the alternative, for annulment of or a substantial reduction in the fine imposed on it in that decision

**Operative part of the judgment**

The Court:

1. Annuls Article 2(f) of Commission Decision C(2009) 428 final of 28 January 2009 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39406 — Marine hoses);
2. Sets the amount of the fine imposed on MRI at EUR 4 900 000;
3. Dismisses the action as to the remainder;
4. Orders each party to bear its own costs.

(<sup>1</sup>) OJ C 141, 20.6.2009.

**Judgment of the General Court of 16 May 2013 — Gap granen & producten v Commission**

(Case T-437/10) (<sup>1</sup>)

*(Non-contractual liability — Import of high-quality durum wheat — Import duties — Regulation (EC) No 919/2009 — Regulation (EC) No 1249/96 — Sufficiently serious breach of a rule of law conferring rights on individuals — Material loss — Causal link)*

(2013/C 189/32)

Language of the case: Dutch

**Parties**

*Applicant:* Gap granen & producten (Zoersel, Belgium) (represented by: C. Ronse, A. Hansebout, K. Claeys and J. Muyldermans, lawyers)

*Defendant:* European Commission (represented by: D. Triantafyllou and B. Burggraaf, Agents)

**Re:**

Action for compensation under Article 340 TFEU for compensation in respect of the harm allegedly suffered by the applicant as a result of the fixing of import duties on high-quality durum wheat by Commission Regulation (EC) No 919/2009 of 1 October 2009 amending Regulation (EC) No 915/2009 fixing the import duties in the cereals sector applicable from 1 October 2009 (OJ 2009 L 259, p. 5).

**Operative part of the judgment**

The Court:

1. The European Commission is ordered to compensate Gap SA granen & producten NV for the loss suffered by it as a result of the application of Commission Regulation (EC) No 919/2009 of 1 October 2009 amending Regulation (EC) No 915/2009 fixing the import duties in the cereals sector applicable from 1 October 2009, in so far as that regulation did not take account of the job quotation or use a calculation method which was representative of actual freight costs for the fixing of import duties for high-quality durum wheat.
2. Gap granen & producten and the Commission are ordered to provide the General Court with the amounts to be paid, established by common agreement, within six months of the date of judgment;
3. If the parties fail to reach an agreement, Gap granen & producten and the Commission are to provide the General Court with their forms of order sought, including figures, within the same period;
4. Costs are reserved.

(<sup>1</sup>) OJ C 317, 20.11.2010.