

- annul Article 4 of the contested decision, in so far as it makes a determination as to the lawfulness of private contracts between the investors and other entities; and
- order the Commission to pay the costs of these proceedings.

Pleas in law and main arguments

The pleas in law and main arguments are those raised in Case T-700/13 *Bankia v Commission*.

Action brought on 26 June 2014 — Kendrion v Court of Justice of the European Union

(Case T-479/14)

(2014/C 253/89)

Language of the case: Dutch

Parties

Applicant: Kendrion NV (Zeist, Netherlands) (represented by: P. Glazener and T. Ottervanger, lawyers)

Defendant: Court of Justice of the European Union

Form of order sought

The applicant claims that General Court should order the European Union:

- in respect of material damage, to pay a sum of EUR 2 308 463.98, or such sum that the Court considers can be reasonably granted, and
- in respect of non-material damage, to pay a sum of EUR 11 050 000.00 and alternatively, to pay a sum of EUR 1 700 000.00 and, in the further alternative, to pay a sum determined by the parties on the basis of modalities set by the Court, or such sum which the Court considers reasonable, and
- to pay each amount increased, from 26 November 2013, by a reasonable rate of late payment interest fixed by the Court, and
- to pay the costs of the proceedings.

Pleas in law and main arguments

By judgment of 26 November 2013, *Kendrion v Commission* (C-50/12 P, EU:C:2013:771), the Court of Justice found a breach of the second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union in the proceedings before the General Court in Case T-54/06 *Kendrion v Commission*, concerning an application for the annulment of Commission Decision C(2005) 4634 final of 30 November 2005 relating to a proceeding pursuant to Article 81 [EC] (Case COMP/F/38.354 — Industrial bags), in so far as it is addressed to the applicant, and application for annulment or, alternatively, reduction of the fine imposed on the applicant.

The Court of Justice also ruled that the sanction for a breach of the obligation under Article 47 of the Charter of Fundamental Rights of the European Union must be an action for damages before the General Court, since such an action constitutes an effective remedy.

The applicant submits that the Court of Justice has already ruled in that judgment that the conditions for a sufficiently serious breach of a rule of law that is intended to confer rights on individuals have been met.

The applicant also submits that the proceedings have now taken 5 years and 9 months; while, in its view, a period of 2 years and 6 months may be deemed reasonable, the reasonable period has been exceeded by 3 years and 3 months. For resolution within a reasonable period, therefore, a judgment would have had to be delivered by 26 August 2010 instead of on 26 November 2013.

The material damage, which the applicant allegedly suffered as a result of the excessively long proceedings, would then consist of the additional financial expenses that the applicant has had to bear for the period concerned. That damage consists of interest calculated by the Commission on the amount of the fine of EUR 34 000 000 over the period concerned, with the costs, for the same period, of the bank guarantee lodged for payment of the fine with interest. That amount is less the costs linked to financing the payment to the European Union of the fine due on 26 August 2010, with interest, if the General Court had delivered a judgment by that date.

As compensation for the non-material damage which the applicant allegedly suffered as a result of the excessively long proceedings, the applicant claims fair compensation equating to 10 % of the fine for each year, with a proportion of 10 % for a corresponding part of the year, that the proceedings before the General Court have exceeded a reasonable period. Such compensation is, in the applicant's view, appropriate, given that an amount at the level of 10 % at the time of the Commission's decision was the norm for penalty increases for each year that the infringement continued.

In the alternative, the applicant claims fair compensation for the non-material damage equal to 5 % of the fine. That amount, it maintains, is in line with the compensation deemed appropriate by the Court of Justice in comparable situations of time-limits having been seriously exceeded in the assessment of cartel fines.

Order of the General Court of 10 June 2014 — Makhlouf v Council

(Cases T-433/11 and T-98/12) ⁽¹⁾

(2014/C 253/90)

Language of the case: French

The President of the Seventh Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 290, 1.10.2011.

Order of the General Court of 10 June 2014 — Othman v Council

(Case T-109/13) ⁽¹⁾

(2014/C 253/91)

Language of the case: French

The President of the Seventh Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 129, 4.5.2013.

Order of the General Court of 5 June 2014 — Syrian Lebanese Commercial Bank v Council

(Case T-477/13) ⁽¹⁾

(2014/C 253/92)

Language of the case: French

The President of the Ninth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 336, 16.11.2013.
