

Judgment of the General Court of 16 December 2015 — Koninklijke Luchtvaart Maatschappij v Commission

(Case T-28/11) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European airfreight market — Agreements and concerted practices in respect of several elements of the pricing of airfreight services (imposition of fuel and security surcharges, refusal to pay commission on surcharges) — Article 101 TFEU, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and Switzerland on Air Transport — Obligation to state reasons)

(2016/C 048/34)

Language of the case: English

Parties

Applicant: Koninklijke Luchtvaart Maatschappij NV (Amstelveen, Netherlands) (represented by: M. Smeets, lawyer)

Defendant: European Commission (represented initially by S. Noë, N. von Lingen and C. Giolito, and subsequently by S. Noë, C. Giolito and A. Dawes, acting as Agents, and by B. Doherty, Barrister)

Re:

Application, principally, for annulment of Commission Decision C(2010) 7694 final of 9 November 2010 relating to a proceeding under Article 101 TFEU, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and the Swiss Confederation on Air Transport (Case COMP/39258 — Airfreight), in so far as it concerns the applicant, and, in the alternative, for a reduction in the fine imposed on the applicant.

Operative part of the judgment

The Court:

1. Annuls Commission Decision C(2010) 7694 final of 9 November 2010 relating to a proceeding under Article 101 TFEU, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and the Swiss Confederation on Air Transport (Case COMP/39258 — Airfreight), in so far as it concerns Koninklijke Luchtvaart Maatschappij NV;
2. Orders the European Commission to bear its own costs and to pay those of Koninklijke Luchtvaart Maatschappij.

⁽¹⁾ OJ C 72, 5.3.2011.