

COURT OF FIRST INSTANCE

Judgment of the Court of First Instance (Seventh Chamber) of 10 December 2008 — Nardone v Commission

(Case T-57/99) ⁽¹⁾

(Staff case — Officials — Action for damages — Occupational disease — Exposure to asbestos and other substances)

(2009/C 32/43)

Language of the case: French

Parties

Applicant: Albert Nardone (Piétrain, Belgium) (represented initially by G. Vandersanden and L. Levi, lawyers, then by L. Levi)

Defendant: Commission of the European Communities (represented by: J. Currall, agent, and J. L. Fagnart, lawyer)

Re:

Application for compensation for damage allegedly suffered by the applicant due to the wrongful conduct of the Commission in exposing the applicant to an atmosphere filled with dust and contaminated by asbestos.

Operative part of the judgment

The Court:

1. orders the Commission to pay to Mr Albert Nardone damages of EUR 66 000;
2. dismisses the action as to the remainder;
3. orders each party to bear its own costs.

⁽¹⁾ OJ C 160, 5.6.1999.

Judgment of the Court of First Instance of 10 December 2008 — Kronoply and Kronotex v Commission

(Case T-388/02) ⁽¹⁾

(State aid — Commission decision not to raise objections — Action for annulment — Time-limit for bringing proceedings — Publication of a summary notice — No significant effect on the competitive position — Inadmissibility — Status as party concerned — Admissibility — Failure to initiate the formal investigation procedure — No serious difficulties)

(2009/C 32/44)

Language of the case: German

Parties

Applicants: Kronoply GmbH & Co. KG (Heiligengrabe, Germany); and Kronotex GmbH & Co. KG (Heiligengrabe) (represented initially by: R. Nierer, subsequently by R. Nierer and L. Gordalla, lawyers)

Defendant: Commission of the European Communities (represented by: V. Kreuzschitz and M. Niejahr, subsequently by V. Kreuzschitz, Agents)

Interveners in support of the defendant: Zellstoff Stendal GmbH (Arneburg, Germany) (represented by: T. Müller-Ibold and K. U. Karl, subsequently by T. Müller-Ibold, lawyers); Federal Republic of Germany (represented by: W.D. Plessing and M. Lumma, Agents); and Land Sachsen-Anhalt (Germany) (represented by: C. von Donat and G. Quardt, lawyers)

Re:

Annulment of the Commission's decision of 19 June 2002 to raise no objections to aid granted by the German authorities to Zellstoff Stendal for the construction of a production plant for pulp.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Kronoply GmbH & Co. KG and Kronotex GmbH & Co. KG to bear their own costs and to pay those incurred by the Commission of the European Communities and by Zellstoff Stendal GmbH and Land Sachsen-Anhalt.

3. Orders the Federal Republic of Germany to bear its own costs.

(¹) OJ C 44, 22.2.2003.

Judgment of the Court of First Instance of 17 December 2008 — Ryanair v Commission

(Case T-196/04) (¹)

(State aid — Agreements entered into by the Walloon Region and the Brussels South Charleroi airport with the airline Ryanair — Existence of an economic advantage — Application of the private investor in a market economy test)

(2009/C 32/45)

Language of the case: English

Parties

Applicant: Ryanair Ltd (Dublin, Ireland) (represented: initially by D. Gleeson, A. Collins, SC, V. Power and D. McCann, Solicitors, and subsequently by V. Power and D. McCann, J. Swift, QC, J. Holmes, Barrister, and G. Berrisch, lawyer)

Defendant: Commission of the European Communities (represented by: N. Khan, acting as Agent)

Intervener in support of the defendant: Association of European Airlines (AEA) (represented by: S. Völcker, F. Louis and J. Heithecker, lawyers)

Re:

Application for annulment of the Commission Decision of 12 February 2004 concerning advantages granted by the Walloon Region and Brussels South Charleroi Airport to the airline Ryanair in connection with its establishment at Charleroi (OJ 2004 L 137, p. 1).

Operative part of the judgment

The Court:

1. Annuls Commission Decision 2004/393/EC of 12 February 2004 concerning advantages granted by the Walloon Region and Brussels South Charleroi Airport to the airline Ryanair in connection with its establishment at Charleroi;
2. Orders the Commission to bear its own costs and to pay those of Ryanair Ltd;

3. Orders the Association of European Airlines (AEA) to bear its own costs.

(¹) OJ C 228, 11.9.2004.

Judgment of the Court of First Instance of 17 December 2008 — HEG and Graphite India v Council

(Case T-462/04) (¹)

(Common commercial policy — Anti-dumping duties — Countervailing duties — Imports of certain graphite electrode systems originating in India — Rights of the defence — Equal treatment — Determination of injury — Causal link)

(2009/C 32/46)

Language of the case: English

Parties

Applicants: HEG Ltd (New Delhi, India); and Graphite India Ltd (Kolkata, India) (represented: initially by K. Adamantopoulos, lawyer, and J. Branton, Solicitor, and subsequently by J. Branton)

Defendant: Council of the European Union (represented by: J.-P. Hix, acting as Agent, assisted by G. Berrisch, lawyer)

Intervener in support of the defendant: Commission of the European Communities (represented by: T. Scharf and K. Talabér-Ritz, acting as Agents)

Re:

Application for annulment of Council Regulation (EC) No 1628/2004 of 13 September 2004 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain graphite electrode systems originating in India (OJ 2004 L 295, p. 4) and of Council Regulation (EC) No 1629/2004 of 13 September 2004 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain graphite electrode systems originating in India (OJ 2004 L 295, p. 10).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders HEG Ltd and Graphite India Ltd to bear their own costs and to pay the costs of the Council;