

GENERAL COURT

Judgment of the General Court of 27 October 2010 — Alliance One International and Others v Commission(Case T-24/05) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Spanish market for the purchase and first processing of raw tobacco — Decision finding an infringement of Article 81 EC — Price-fixing and market-sharing — Obligation to state the reasons on which the decision is based — Attributability of the unlawful conduct — Equal treatment)

(2010/C 346/75)

Language of the case: English

Parties

Applicants: Alliance One International, Inc., formerly Standard Commercial Corp. (Danville, Virginia, United States); Standard Commercial Tobacco Co., Inc. (Wilson, North Carolina, United States) and Trans-Continental Leaf Tobacco Corp. Ltd. (Vaduz, Liechtenstein), (represented initially by M. Odriozola Alén, M. Marañon Hermoso and A. Emch, and subsequently by M. Odriozola Alén, M. Barrantes Díaz and A. João Vide, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre and É. Gippini Fournier, Agents)

Re:

Application for the annulment of Commission Decision C(2004) 4030 final of 20 October 2004 relating to a proceeding under Article 81(1) [EC] (Case COMP/C.38.238/B.2 — Raw tobacco — Spain)

Operative part of the judgment

The Court:

1. Annuls Commission Decision C(2004) 4030 final of 20 October 2004 relating to a proceeding under Article 81(1) [EC] (Case COMP/C.38.238/B.2 — Raw tobacco — Spain) in so far as it relates to Trans-Continental Leaf Tobacco Corp. Ltd.;
2. Dismisses the action as to the remainder;
3. Orders Alliance One International, Inc., Standard Commercial Tobacco Co., Inc. and Trans-Continental Leaf Tobacco to bear two-thirds of their own costs and to pay two-thirds of the costs incurred by the European Commission, and the European Commission to bear one-third of its own costs and to pay one-third of those incurred by the applicants.

⁽¹⁾ OJ C 82, 2.4.2005.

Judgment of the General Court of 28 October 2010 — Spain v Commission(Case T-227/07) ⁽¹⁾

(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Production aid intended for tomato processors — Spot checks over sufficient periods — Proportionality)

(2010/C 346/76)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: M. Muñoz Pérez, lawyer)

Defendant: European Commission (represented by: initially T. van Rijn and then F. Jimeno Fernández, Agents)

Re:

Action for annulment, in part, of Commission Decision 2007/243/EC of 18 April 2007 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2007 L 106, p. 55).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Kingdom of Spain to pay the costs.

⁽¹⁾ OJ C 211, 8.9.2007.

Judgment of the General Court of 26 October 2010 — Federal Republic of Germany v Commission(Case T-236/07) ⁽¹⁾

(EAGGF — Guarantee Section — Clearance of accounts — 2006 Financial year — Date of application of the first subparagraph of Article 32(5) of Regulation (EC) No 1290/2005 — Binding force of a unilateral declaration by the Commission annexed to the minutes of a Coreper meeting)

(2010/C 346/77)

Language of the case: German

Parties

Applicant: Federal Republic of Germany (represented initially by M. Lumma and J. Möller, and subsequently by J. Möller and N. Graf Vitzthum, Agents)