

GENERAL COURT

Judgment of the General Court of 23 November 2011 — Jones and Others v Commission

(Case T-320/07) ⁽¹⁾

(ECSC Treaty — Supply of coal intended for the United Kingdom electricity generation industry — Rejection of a complaint alleging discriminatory pricing — Commission's competence to apply Article 4(b) CS following expiry of the ECSC Treaty, on the basis of Regulation (EC) No 1/2003 — Assessment of Community interest — Obligations in relation to the investigation of a complaint — Manifest error of assessment)

(2012/C 13/18)

Language of the case: English

Parties

Applicants: Daphne Jones (Neath, United Kingdom), Glen Jones (Neath), and Fforch-Y-Garon Coal Co. Ltd (Neath) (represented by: D. Jeffreys and S. Llewellyn Jones, Solicitors)

Defendant: European Commission (represented by: V. Di Bucci and J. Samnadda, acting as Agents)

Interveners in support of the defendant: United Kingdom of Great Britain and Northern Ireland, (represented: initially by E. Jenkinson, subsequently by C. Gibbs and V. Jackson, and, finally, by S. Hathaway, acting as Agents, and by J. Flynn QC); E.ON UK plc (Coventry, United Kingdom) (represented by P. Lomas, Solicitor); and International Power plc (London, United Kingdom) (represented by D. Anderson QC, M. Chamberlain, Barrister, S. Lister and D. Harrison, Solicitors)

Re:

Application for annulment of Commission Decision SG-Greffe (2007) D/203626 of 18 June 2007, pursuant to Article 7 of Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 [EC] and 82 [EC] (OJ 2004 L 123, p. 18), rejecting the applicants' complaint concerning infringements of the ECSC Treaty (Case COMP/37.037-SWSMA).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the European Commission to pay, in addition to its own costs, the costs of Mr Glen Jones and of Mrs Daphne Jones, as well as those of Fforch-Y-Garon Coal Co. Ltd.

3. Orders the United Kingdom of Great Britain and Northern Ireland, E.ON UK plc and International Power plc each to bear their own costs.

⁽¹⁾ OJ C 247, 20.10.2007.

Judgment of the General Court of 23 November 2011 — Sison v Council

(Case T-341/07) ⁽¹⁾

(Common foreign and security policy — Restrictive measures against certain persons and entities with a view to combating terrorism — Common Position 2001/931/CFSP and Regulation (EC) No 2580/2001 — Actions for annulment — Adaptation of heads of claim — Judicial review — Statement of reasons — Conditions for implementation of a Community measure freezing funds)

(2012/C 13/19)

Language of the case: English

Parties

Applicant: Jose Maria Sison (Utrecht, Netherlands) (represented by: J. Fermon, A. Comte, H. Schultz, D. Gürses and W. Kaleck, lawyers)

Defendant: Council of the European Union (represented by: M. Bishop, E. Finnegan and R. Szostak, Agents)

Interveners in support of the defendant: Kingdom of the Netherlands (represented by C. Wissels, M. de Mol, Y. de Vries, M. Noort, J. Langer and M. Bulterman, acting as Agents); United Kingdom of Great Britain and Northern Ireland (represented by S. Behzadi Spencer and I. Rao, acting as Agents), and European Commission (represented initially by P. Aalto and S. Boelaert, and subsequently by S. Boelaert and P. Van Nuffel, acting as Agents)

Re:

Following the judgment of the General Court of 30 September 2009 in Case T-341/07 Sison v Council [2009] ECR II-3625, application for compensation for damage allegedly sustained by the applicant as a result of the restrictive measures taken against him with a view to combating terrorism

Operative part of the judgment

The Court:

1. Dismisses the action for compensation;
2. Orders the Council of the European Union to pay, so far as the costs relating to the action for annulment are concerned, the costs incurred by Jose Maria Sison in addition to its own costs;

3. Orders Mr Sison to pay, so far as the costs relating to the action for compensation are concerned, the costs incurred by the Council in addition to his own costs;
4. Orders the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the Commission to bear their own costs.

(¹) OJ C 269, 10.11.2007.

Judgment of the General Court of 23 November 2011 — Dennekamp v Parliament

(Case T-82/09) (¹)

(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to the affiliation of certain Members of the European Parliament to the additional pension scheme — Refusal to grant access — Exception relating to the protection of privacy and the integrity of the individual — Article 8(b) of Regulation (EC) No 45/2001 — Transfer of personal data)

(2012/C 13/20)

Language of the case: English

Parties

Applicant: Gert-Jan Dennekamp (Giethoorn, Netherlands) (represented by: O. Brouwer, A. Stoffer and T. Oeyen, lawyers)

Defendant: European Parliament (represented initially by N. Lorenz, H. Krück and D. Moore, and subsequently by N. Lorenz and D. Moore, Agents)

Interveners in support of the applicant: Kingdom of Denmark (represented by: B. Weis Fogh, J. Bering Liisberg and S. Juul Jørgensen, Agents); Republic of Finland (represented by: J. Heliskoski and H. Leppo, Agents); and European Data Protection Supervisor (EDPS) (represented initially by H. Hijmans and H. Kranenborg, and subsequently by H. Kranenborg and I. Chatelier, Agents)

Re:

Application for annulment of Decision A(2008) 22050 of the European Parliament of 17 December 2008 refusing to grant the applicant access to certain documents relating to the affiliation of certain Members of the European Parliament to the additional pension scheme.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Gert-Jan Dennekamp to bear his own costs and to pay the costs incurred by the European Parliament;

3. Orders the Kingdom of Denmark, the Republic of Finland and the European Data Protection Supervisor (EDPS) to bear their own costs.

(¹) OJ C 102, 1.5.2009.

Judgment of the General Court of 24 November 2011 — EFIM v Commission

(Case T-296/09) (¹)

(Competition — Concerted practice — Abuse of a dominant position — Markets for ink cartridges — Decision rejecting a complaint — No Community interest)

(2012/C 13/21)

Language of the case: German

Parties

Applicant: European Federation of Ink and Ink Cartridge Manufacturers (EFIM) (Cologne, Germany) (represented by: D. Ehle, lawyer)

Defendant: European Commission (represented by: A. Antoniadis and A. Biolan, Agents, and W. Berg, lawyer)

Intervener in support of the defendant: Lexmark International Technology SA (Meyrin, Switzerland) (represented by: R. Snelders, lawyer, and G. Eclair-Heath, Solicitor)

Re:

Application for annulment of Commission Decision C(2009) 4125 of 20 May 2009 rejecting complaint COMP/C-3/39.391 concerning purported infringements of Articles 81 EC and 82 EC by Hewlett-Packard, Lexmark, Canon and Epson in the market for ink cartridges.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders European Federation of Ink and Ink Cartridge Manufacturers (EFIM) to bear its own costs and to pay the costs incurred by the European Commission;
3. Orders Lexmark International Technology SA to bear its own costs.

(¹) OJ C 256, 24.10.2009.