

Re:

Appeal brought against the judgment of the General Court (Fifth Chamber) of 9 September 2010 in Case T-119/06: *Usha Martin Ltd v Council of the European Union and European Commission* in which the General Court dismissed an action, on the one hand, for annulment of Commission Decision of 22 December 2005 amending Commission Decision 1999/572/EC accepting undertakings in connection with the anti-dumping proceedings concerning imports of steel wire rope and cables originating in, inter alia, India (OJ 2006 L 22, p. 54) and, on the other hand, for annulment of Council Regulation (EC) No 121/2006 amending Council Regulation (EC) No 1858/2005 imposing a definitive anti-dumping duty on imports of steel ropes and cables originating in, inter alia, India (OJ 2006 L 22, p. 1)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders *Usha Martin Ltd* to pay the costs of the appeal proceedings.

⁽¹⁾ OJ C 55, 19.2.2011.

Judgment of the Court (Grand Chamber) of 27 November 2012 — Italian Republic v European Commission, Republic of Lithuania, Hellenic Republic

(Case C-566/10 P) ⁽¹⁾

(Appeal — Rules on languages — Notices of open competitions for the recruitment of administrators and assistants — Publication in full in three official languages — Language of the tests — Choice of the second language among three official languages)

(2013/C 26/04)

Language of the case: Italian

Parties

Appellant: Italian Republic (represented by: G. Palmieri, Agent, P. Gentili, avvocato dello Stato)

Other parties to the proceedings: European Commission (represented by: J. Currall and J. Baquero Cruz, Agents, assisted by A. Dal Ferro, avvocato), Republic of Lithuania, Hellenic Republic (represented by: A. Samoni-Rantou, S. Vodina and G. Papa-
gianni, Agents)

Re:

Appeal against the judgment delivered by the General Court (Sixth Chamber) on 13 September 2010 in Joined Cases T-166/07 and T-285/07 *Italy v Commission* by which the General Court dismissed an application for annulment of

Notices of Open Competition EPSO/AD/94/07 (OJ 2007 C 45 A, p. 3), EPSO/AST/37/07 (OJ 2007 C 45 A, p. 15) and EPSO/AD/95/07 (OJ 2007 C 103 A, p. 7)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 13 September 2010 in Joined Cases T-166/07 and T-285/07;
2. Annuls the notices of open competitions EPSO/AD/94/07 to constitute a reserve pool of Administrators (AD 5) in the field of information, communication and the media, EPSO/AST/37/07 to constitute a reserve pool of Assistants (AST 3) in the field of communication and information and EPSO/AD/95/07 to constitute a reserve pool of Administrators (AD 5) in the field of information science (library/documentation);
3. Orders the European Commission to pay the costs of the Italian Republic and to bear its own costs in both sets of proceedings;
4. Orders the Hellenic Republic and the Republic of Lithuania to bear their own costs.

⁽¹⁾ OJ C 63, 26.02.2011.

Judgment of the Court (Fourth Chamber) of 22 November 2012 — Commission v Federal Republic of Germany

(Case C-600/10) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Free movement of capital — Taxation of dividends and interest paid to pension funds and pension insurance schemes — Treatment of dividends and interest paid to non-resident institutions — Deduction of operating costs directly linked to the receipt of income in the form of dividends and interest — Burden of proof)

(2013/C 26/05)

Language of the case: German

Parties

Applicant: European Commission (represented by: R. Lyal and W. Mölls, Agents)

Defendant: Federal Republic of Germany (represented by: T. Henze and J. Möller, Agents)

Interveners in support of the defendant: French Republic (represented by: G. de Bergues and N. Rouam, Agents), Kingdom of the Netherlands (represented by: C. Wissels and C. Schillemans, Agents), Republic of Finland (represented by: M. Pere, Agent), Kingdom of Sweden (represented by: A. Falk and S. Johansson, Agents), United Kingdom of Great Britain and Northern Ireland (represented by: H. Walker, Agent, and by G. Facenna, Barrister)

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 63 TFEU and of Article 40 of the EEA Agreement — National legal provisions on the taxation of dividends and interest paid to pension funds and pension insurance schemes, granting certain fiscal advantages only in respect of dividends and interest paid to resident institutions

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the European Commission to bear its own costs and to pay those incurred by the Federal Republic of Germany;
3. Orders the French Republic, the Kingdom of the Netherlands, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland to bear their own costs.

⁽¹⁾ OJ C 80, 12.3.2011.

Judgment of the Court (Third Chamber) of 22 November 2012 — E.ON Energie AG v European Commission

(Case C-89/11 P P) ⁽¹⁾

(Appeals — Action for annulment of a Commission decision relating to a fine for breach of seal — Burden of proof — Distortion of the evidence — Obligation to state reasons — Amount of the fine — Unlimited jurisdiction — Principle of proportionality)

(2013/C 26/06)

Language of the case: German

Parties

Appellant: E.ON Energie AG (represented by: A. Röhling, F. Dietrich and R. Pfromm, Rechtsanwälte)

Other party to the proceedings: European Commission (represented by: A. Bouquet, V. Bottka and R. Sauer, Agents)

Re:

Appeal against the judgment of the General Court (Eighth Chamber) of 15 December 2010 — *E.ON Energie v Commission* (T-141/08) in which the General Court dismissed the action for annulment of Commission Decision C(2008) 377 final of 30 January 2008 relating to a fine pursuant to Article 23(1)(e) of Council Regulation (EC) No 1/2003 for breach of seal — Breach of general principles of law, such as the presumption of innocence, the principle of *'in dubio pro reo'* and of proportionality, and the rules relating the burden and taking of evidence — Breach of the obligation to state reasons

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders E.ON Energie AG to pay the costs.

⁽¹⁾ OJ C 152, 21.5.2011.

Judgment of the Court (First Chamber) of 22 November 2012 (reference for a preliminary ruling from the Sąd Rejonowy Poznań-Stare Miasto w Poznaniu — Poland) — Bank Handlowy w Warszawie SA, PPHU 'ADAX'/Ryszard Adamiak v Christianapol sp. z o.o.

(Case C-116/11) ⁽¹⁾

(Judicial cooperation in civil matters — Regulation (EC) No 1346/2000 — Insolvency proceedings — Concept of 'closure of insolvency proceedings' — Possibility for a court before which secondary insolvency proceedings have been brought to examine the debtor's insolvency — Possibility of opening winding-up proceedings as secondary insolvency proceedings where the main proceedings are sauvegarde proceedings)

(2013/C 26/07)

Language of the case: Polish

Referring court

Sąd Rejonowy Poznań-Stare Miasto w Poznaniu

Parties to the main proceedings

Applicants: Bank Handlowy w Warszawie SA, PPHU 'ADAX'/Ryszard Adamiak

Defendant: Christianapol sp. z o.o.

Re:

Reference for a preliminary ruling — Sąd Rejonowy Poznań-Stare Miasto w Poznaniu — Interpretation of Articles 4(1) and (2)(j) and 27 of Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings (OJ 2000 L 160, p. 1) — Secondary insolvency proceedings — Right of the court having jurisdiction to open such proceedings in order to examine the debtor's insolvency

Operative part of the judgment

1. Article 4(2)(j) of Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings, as amended by Council Regulation (EC) No 788/2008 of 24 July 2008, must be interpreted as meaning that it is for the national law of the Member State in which insolvency proceedings have been opened to determine at which moment the closure of those proceedings occurs.