

**Appeal brought on 11 January 2011 by European Commission against the judgment of the General Court (Fourth Chamber) delivered on 27 October 2010 in Case T-24/05: Alliance One International, Inc. (formerly Standard Commercial Corp.), Standard Commercial Tobacco Company, Inc., Trans-Continental Leaf Tobacco Corp. Ltd v European Commission**

(Case C-14/11 P)

(2011/C 80/28)

*Language of the case: English*

#### Parties

*Appellant:* European Commission (represented by: F. Castillo de la Torre, E. Gippini Fournier, R. Sauer, Agents)

*Other parties to the proceedings:* Alliance One International, Inc. (formerly Standard Commercial Corp.), Standard Commercial Tobacco Company, Inc., Trans-Continental Leaf Tobacco Corp. Ltd

#### Form of order sought

The appellant claim that the Court should:

- set aside point 1 of the operative part of the contested judgment;
- dismiss the action before the General Court in its entirety;
- require TCLT to bear the costs of these proceedings and to require the three Applicants to bear the entirety of the costs of the proceedings in first instance.

#### Pleas in law and main arguments

The Appellant submits that the contested judgment should be set aside on the following grounds:

1. The General Court misapplied the principle of equal treatment and disregarded a well established line of case law according to which the liability of each company must be assessed on its own merits.
2. The General Court erred in law in considering that the Commission's treatment of certain parent companies determined the legal standard for holding other parent companies liable, even if such standard went beyond what the case law requires.
3. By preventing the Commission from raising arguments in response to claims of discrimination, the General Court breached the Commission's rights to an adversarial procedure and misinterpreted the duty to state reasons.
4. The General Court misapplied the principle of equal treatment since Trans-Continental Leaf Tobacco Corp. Ltd. was in an objectively different situation from Intabex and Universal.

**Action brought on 13 January 2011 — European Commission v Republic of Poland**

(Case C-20/11)

(2011/C 80/29)

*Language of the case: Polish*

#### Parties

*Applicant:* European Commission (represented by: I. Hadjiyiannis and Ł. Habiak, acting as Agents)

*Defendant:* Republic of Poland

#### Form of order sought

— declare that, by not adopting all the laws, regulations and administrative provisions necessary to comply with Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks,<sup>(1)</sup> and in any event by not informing the Commission of such provisions, the Republic of Poland has failed to fulfil its obligations under Article 17(1) of that directive;

— order the Republic of Poland to pay the costs.

#### Pleas in law and main arguments

The time-limit for transposition of Directive 2007/60 expired on 26 November 2009.

<sup>(1)</sup> OJ 2007 L 288, p. 27.

**Reference for a preliminary ruling from the Korkein oikeus (Finland) lodged on 17 January 2011 — Finnair Oyj v Timy Lassooy**

(Case C-22/11)

(2011/C 80/30)

*Language of the case: Finnish*

#### Referring court

Korkein oikeus

#### Parties to the main proceedings

*Applicant:* Finnair Oyj

*Defendant:* Timy Lassooy

#### Questions referred

1. Is Regulation No 261/2004<sup>(1)</sup> and in particular Article 4 thereof to be interpreted as meaning that its application is limited only to cases of denied boarding which are caused by overbooking by the air carrier for economic reasons, or is the regulation applicable also to situations in which boarding is denied for other reasons, such as operational reasons?