

Judgment of the General Court of 16 December 2015 — Japan Airlines v Commission(Case T-36/11) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European airfreight market — Agreements and concerted practices in respect of several elements of the pricing of airfreight services (imposition of fuel and security surcharges, refusal to pay commission on surcharges) — Article 101 TFEU, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and Switzerland on Air Transport — Obligation to state reasons)

(2016/C 048/35)

Language of the case: English

Parties

Applicant: Japan Airlines Co. Ltd, formerly Japan Airlines International Co. Ltd (Tokyo, Japan) (represented by: J.-F. Bellis, K. Van Hove, lawyers, and R. Burton, Solicitor)

Defendant: European Commission (represented initially by N. von Lingen and S. Noë, subsequently by S. Noë, and J. Bourke, and finally by A. Dawes, acting as Agents, and by J. Holmes, Barrister)

Re:

Application for annulment of Commission Decision C(2010) 7694 final of 9 November 2010 relating to a proceeding under Article 101 TFEU, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and the Swiss Confederation on Air Transport (Case COMP/39258 — Airfreight) and, in the alternative, for a reduction in the fine imposed on the applicant and on Japan Airlines Corp.

Operative part of the judgment

The Court:

1. Annuls Commission Decision C(2010) 7694 final of 9 November 2010 relating to a proceeding under Article 101 TFEU, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and the Swiss Confederation on Air Transport (Case COMP/39258 — Airfreight), in so far as it concerns Japan Airlines Co. Ltd and Japan Airlines Corp.;
2. Dismisses the action as to the remainder;
3. Orders the European Commission to bear its own costs and to pay those of Japan Airlines Co. Ltd.

⁽¹⁾ OJ C 80, 12.3.2011.