

Judgment of the General Court of 16 December 2015 — Martinair Holland v Commission(Case T-67/11) ⁽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 048/45)

Language of the case: English

Parties

Applicant: Martinair Holland NV (Haarlemmermeer, Netherlands) (represented by: R. Wesseling, lawyer)

Defendant: European Commission (represented initially by S. Noë, N. von Lingen and C. Giolito, and subsequently by S. Noë, C. Giolito and A. Dawes, acting as Agents, and by B. Doherty, 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), in so far as it concerns the applicant, or, at the very least, for annulment of Article 5(b) of that decision, in so far as it imposes a fine on the applicant, or for the reduction of that fine.

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 Martinair Holland NV;
2. Orders the European Commission to bear its own costs and to pay those of Martinair Holland.

⁽¹⁾ OJ C 95, 26.3.2011.

Judgment of the General Court of 18 November 2015 — Einhell Germany and Others v Commission(Case T-73/12) ⁽¹⁾

(Dumping — Imports of certain compressors originating in China — Partial refusal to refund the anti-dumping duties paid — Determination of the export price — Deduction of anti-dumping duties — Adjustment of the temporal effects of an annulment)

(2016/C 048/46)

Language of the case: English

Parties

Applicants: Einhell Germany AG (Landau an der Isar, Germany); Hans Einhell Nederlands BV (Breda, Netherlands); Einhell France SAS (Villepinte, France); Hans Einhell Österreich GmbH (Vienna, Austria) (represented by: R. MacLean, Solicitor, and A. Bochon, lawyer)

Defendant: European Commission (represented by: A. Stobiecka-Kuik, K. Talabér-Ritz and T. Maxian Rusche, acting as Agents)

Re:

Action for the partial annulment of Commission Decisions K(2011) 8831 final, C(2011) 8825 final, C(2011) 8828 final and K(2011) 8810 final of 6 December 2011 concerning applications for a refund of anti-dumping duties paid on imports of certain compressors originating in the People's Republic of China, and, in the event that the General Court should annul the contested decisions, for the maintenance in force of the effects of those decisions until the Commission has adopted the measures necessary to comply with the judgment of the General Court in this case.

Operative part of the judgment

The Court:

1. *Annuls Article 1 of Commission Decisions K(2011) 8831 final, C(2011) 8825 final, C(2011) 8828 final and K(2011) 8810 final of 6 December 2011 concerning applications for a refund of anti-dumping duties paid on imports of certain compressors originating in the People's Republic of China in so far as that article does not grant Einhell Germany AG, Hans Einhell Nederlands BV, Einhell France SAS and Hans Einhell Österreich GmbH a refund of the anti-dumping duties unduly paid beyond the amounts referred to therein;*
2. *Dismisses the action as to the remainder;*
3. *Orders the European Commission to pay the costs.*

⁽¹⁾ OJ C 109, 14.4.2012.

Judgment of the General Court of 18 November 2015 — Nu Air Polska v Commission

(Case T-75/12) ⁽¹⁾

(Dumping — Imports of certain compressors originating in China — Partial refusal to refund the anti-dumping duties paid — Determination of the export price — Deduction of anti-dumping duties — Adjustment of the temporal effects of an annulment)

(2016/C 048/47)

Language of the case: English

Parties

Applicant: Nu Air Polska sp. z o.o. (Warsaw, Poland) (represented by: R. MacLean, Solicitor, and A. Bochon, lawyer)

Defendant: European Commission (represented by: A. Stobiecka-Kuik, K. Talabér-Ritz and T. Maxian Rusche, acting as Agents)

Re:

Action for the partial annulment of Commission Decisions K(2011) 8826 final, C(2011) 8803 final and K(2011) 8801 final of 6 December 2011 concerning applications for a refund of anti-dumping duties paid on imports of certain compressors originating in the People's Republic of China, and, in the event that the General Court should annul those decisions, for the maintenance in force of the effects of those decisions until the Commission has adopted the measures necessary to comply with the judgment of the General Court in this case.