

GENERAL COURT

Judgment of the General Court of 3 May 2018 — Distillerie Bonollo and Others v Council

(Case T-431/12) ⁽¹⁾

(Dumping — Imports of tartaric acid originating in China — Modification of the definitive anti-dumping duty — Partial interim review — Action for annulment — Direct and individual concern — Admissibility — Determination of the normal value — Constructed normal value — Change in methodology — Individual treatment — Article 2(7)(a) and Article 11(9) of Regulation (EC) No 1225/2009 (now Article 2(7)(a) and Article 11(9) of Regulation (EU) 2016/1036) — Temporal adjustment of effects of annulment)

(2018/C 221/16)

Language of the case: English

Parties

Applicants: Distillerie Bonollo SpA (Formigine, Italy), Industria Chimica Valenzana (ICV) SpA (Borgoricco, Italy), Distillerie Mazzari SpA (Sant'Agata sul Santerno, Italy), Caviro Distillerie Srl (Faenza, Italy), and Comercial Química Sarasa, SL (Madrid, Spain) (represented by: R. MacLean, Solicitor, and A. Bochon, lawyer)

Defendant: Council of the European Union (represented by: S. Boelaert and B. Driessen, acting as Agents, and initially by G. Berrisch, lawyer, and N. Chesaites, Barrister, subsequently by G. Berrisch, and finally by N. Tuominen, lawyer)

Interveners in support of the defendant: European Commission (represented initially by: M. França and A. Stobiecka-Kuik, and subsequently by M. França and J.-F. Brakeland, acting as Agents), and Changmao Biochemical Engineering Co. Ltd (Changzhou, China) (represented by: E. Vermulst, S. Van Cutsem, F. Graafsma and J. Cornelis, lawyers)

Re:

Application under Article 263 TFEU seeking annulment of Council Implementing Regulation (EU) No 626/2012 of 26 June 2012 amending Council Implementing Regulation (EU) No 349/2012 imposing a definitive anti-dumping duty on imports of tartaric acid originating in the People's Republic of China (OJ 2012 L 182, p. 1).

Operative part of the judgment

The Court:

1. Annuls Council Implementing Regulation (EU) No 626/2012 of 26 June 2012 amending Council Implementing Regulation (EU) No 349/2012 imposing a definitive anti-dumping duty on imports of tartaric acid originating in the People's Republic of China;
2. Maintains the anti-dumping duty imposed by Implementing Regulation No 626/2012 as regards Ninghai Organic Chemical Factory's goods until the European Commission and the Council of the European Union have adopted the measures necessary to comply with this judgment;
3. Orders the Council to bear its own costs and to pay those incurred by Distillerie Bonollo SpA, Industria Chimica Valenzana (ICV) SpA, Distillerie Mazzari SpA, Caviro Distillerie Srl and Comercial Química Sarasa, SL;

4. Orders the Commission to bear its own costs;
5. Orders Changmao Biochemical Engineering Co. Ltd to bear its own costs.

⁽¹⁾ OJ C 366, 24.11.2012.

Judgment of the General Court of 4 May 2018 — El Corte Inglés v EUIPO — WE Brand (EW)

(Case T-241/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark EW — Earlier EU word mark WE — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2018/C 221/17)

Language of the case: English

Parties

Applicant: El Corte Inglés, SA (Madrid, Spain) (represented by: J. L. Rivas Zurdo, lawyer)

Defendant: European Union Intellectual Property Office (represented by: D. Botis and J. Ivanauskas, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: WE Brand Sàrl (Luxembourg, Luxembourg) (represented by: R. van Oerle and L. Bekke, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 11 February 2016 (Case R 426/2015-2), relating to opposition proceedings between WE Brand and El Corte Inglés.

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 11 February 2016 (Case R 426/2015-2);
2. Orders EUIPO and WE Brand Sàrl to bear their own respective costs and to pay those incurred by El Corte Inglés, SA .

⁽¹⁾ OJ C 251, 11.7.2016.

Judgment of the General Court of HK v Commission

(Case T-574/16) ⁽¹⁾

(Civil service — Officials — Pensions — Pension for surviving spouse — Conditions for granting — Condition in respect of duration of marriage — Non-marital partnership — First paragraph of Article 17 of Annex VIII to the Staff Regulations)

(2018/C 221/18)

Language of the case: French

Parties

Applicant: HK (represented by: S. Rodrigues and A. Tymen, lawyers)