

GENERAL COURT

Judgment of the General Court of 7 March 2017 — United Parcel Service v Commission

(Case T-194/13) ⁽¹⁾

(Competition — Mergers — Regulation (EC) No 139/2004 — International express small package delivery services in the EEA — Acquisition of TNT Express by UPS — Decision declaring the merger incompatible with the internal market — Likely effects on prices — Econometric analysis — Rights of defence)

(2017/C 121/28)

Language of the case: English

Parties

Applicant: United Parcel Service, Inc. (Atlanta, Georgia, United States) (represented initially by A. Ryan, B. Graham, Solicitors, W. Knibbeler and P. Stamou, lawyers, and then by A. Ryan, W. Knibbeler, P. Stamou, A. Pliego Selie, F. Hoseinian and P. van den Berg, lawyers)

Defendant: European Commission (represented initially by T. Christoforou, N. Khan, A. Biolan, N. von Lingen and H. Leupold, and subsequently by T. Christoforou, N. Khan, A. Biolan and H. Leupold, acting as Agents)

Intervener in support of the defendant: FedEx Corp. (Memphis, Tennessee, United States) (represented initially by F. Carlin, Barrister, G. Bushell, Solicitor, and Q. Azau, lawyer, then by F. Carlin, G. Bushell and N. Niejahr, lawyer)

Re:

Application pursuant to Article 263 TFEU for annulment of Commission Decision C(2013) 431 of 30 January 2013 declaring a concentration incompatible with the internal market and the functioning of the EEA Agreement (Case COMP/M.6570 — UPS/TNT Express).

Operative part of the judgment

The Court:

1. Annuls Commission Decision C(2013) 431 of 30 January 2013 declaring a concentration to be incompatible with the internal market and the functioning of the EEA Agreement (Case COMP/M.6570 — UPS/TNT Express);
2. Orders the European Commission to bear its own costs and to pay those incurred by United Parcel Service, Inc.;
3. Orders FedEx Corp. to bear its own costs.

⁽¹⁾ OJ C 147, 25.5.2013.

Judgment of the General Court of 1 March 2017 — France v Commission

(Case T-366/13) ⁽¹⁾

(State aid — Maritime cabotage — Aid implemented by France in favour of the Société nationale maritime Corse Méditerranée (SNCM) and the Compagnie méridionale de navigation — Service of general economic interest — Compensation for a service additional to the basic service intended to cover peak periods during the tourist season — Decision declaring aid incompatible with the internal market — Concept of State aid — Advantage — Altmark judgment)

(2017/C 121/29)

Language of the case: French

Parties

Applicant: French Republic (represented by: initially, E. Belliard, G. de Bergues, D. Colas and N. Rouam, then G. de Bergues, D. Colas, F. Alabrune and J. Bousin, and subsequently D. Colas, F. Alabrune and J. Bousin, acting as Agents)

Defendant: European Commission (represented by: M. Afonso and B. Stromsky, acting as Agents)

Re:

Action under Article 263 TFEU for the annulment of Commission Decision 2013/435/EU of 2 May 2013 on State aid SA.22843 (2012/C) (ex 2012/NN) implemented by France in favour of Société Nationale Maritime Corse-Méditerranée (OJ 2013 L 220, p. 20).

Operative part of the judgment

The Court:

1. *dismisses the action;*
2. *orders the French Republic to pay, in addition to its own costs, those incurred by the European Commission, including those incurred in the interim proceedings.*

⁽¹⁾ OJ C 252, 31.8.2013.

Judgment of the General Court of 1 March 2017 — SNCM v Commission

(Case T-454/13) ⁽¹⁾

(State aid — Maritime cabotage — Aid implemented by France in favor of the Société Nationale Maritime Corse Méditerranée (SNCM) and the Compagnie Méridionale de Navigation — Service of general economic interest — Compensation for an additional service to the service of Basis to cover peak periods during the tourist season — Decision declaring aid to be incompatible with the internal market — Concept of State aid — Advantage — Altmark judgment — Determination of the amount of aid)

(2017/C 121/30)

Language of the case: French

Parties

Applicant: Société nationale maritime Corse Méditerranée (SNCM) (Marseille, France) (represented by: initially by A. Winckler, F.-C. Laprèvote, J.-P. Mignard and S. Mabile, and subsequently by A. Winckler and F.-C. Laprèvote, and finally by F.-C. Laprèvote and C. Froitzheim, avocats)

Defendant: Commission (represented by: M. Afonso and M. B. Stromsky, acting as Agents)

Intervener in support of the defendant: Corsica Ferries France SAS (Bastia — France), (represented by: S. Rodrigues and C. Bernard-Glanz, avocats)

Re:

Application pursuant to Article 263 TFEU seeking the annulment of the Commission Decision 2013/435/EU of 2 May 2013 on State aid SA.22843 (2012/C) (ex 2012/NN) awarded by France to Société Nationale Corse-Méditerranée and the Compagnie Méridionale de Navigation (OJ 2013 L 220, p. 20).

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Société nationale maritime Corse Méditerranée (SNCM) to bear its own costs and to pay those incurred by the European Commission and by Corsica Ferries France SAS.*

⁽¹⁾ OJ C 325, 9.11.2013.