

Defendants: European Commission (represented by: L. Di Paolo and K. Talabér-Ritz, acting as Agents) and European Chemicals Agency (represented by: initially M. Heikkilä, A. Iber, E. Bigi, E. Maurage and J.-P. Trnka, then M. Heikkilä, E. Bigi, E. Maurage and J.-P. Trnka, acting as Agents, and by C. Garcia Molyneux, lawyer)

Re:

In the first place, application based on Article 263 TFEU and seeking annulment of several Commission or ECHA measures, in the second place, application asking for the ECHA to be ordered to repay amounts which had been unduly received, and, in the third place, application based on Article 268 TFEU and seeking to obtain compensation for the harm which the applicant has allegedly suffered.

Operative part of the judgment

The Court:

1. Declares that the action in so far as it is brought against the European Commission, is dismissed as being inadmissible;
2. Declares that the action, in so far as it is brought against the European Chemicals Agency (ECHA), is dismissed as being inadmissible in part and unfounded in part;
3. Orders Leone La Ferla SpA to pay the costs.

⁽¹⁾ OJ C 291, 5.10.2013.

Judgment of the General Court of 8 September 2016 — Lundbeck v Commission

(Case T-472/13) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market for antidepressant medicinal products containing the active pharmaceutical ingredient citalopram — Concept of restriction of competition ‘by object’ — Potential competition — Generic medicinal products — Barriers to market entry resulting from the existence of patents — Agreements concluded between a patent holder and generic undertakings — Article 101(1) and (3) TFEU — Errors of law and of assessment — Obligation to state reasons — Rights of defence — Legal certainty — Fines)

(2016/C 402/27)

Language of the case: English

Parties

Applicants: H. Lundbeck A/S (Valby, Denmark) and Lundbeck Ltd (Milton Keynes, United Kingdom) (represented by: R. Subiotto QC, and T. Kuhn, lawyer)

Defendant: European Commission (represented initially by J. Bourke, F. Castilla Contreras, B. Mongin, T. Vecchi and C. Vollrath, and subsequently by F. Castilla Contreras, B. Mongin, T. Vecchi, C. Vollrath and T. Christoforou, acting as Agents)

Intervener in support of the applicants: European Federation of Pharmaceutical Industries and Associations (EFPIA) (Geneva, Switzerland) (represented by: F. Carlin, Barrister, and M. Healy, Solicitor)

Re:

Application for annulment in part of Commission Decision C(2013) 3803 final of 19 June 2013 relating to a proceeding under Article 101 [TFEU] and Article 53 of the EEA Agreement (Case AT.39226 — Lundbeck) and for reduction of the amount of the fine imposed on the applicants by that decision.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders *H. Lundbeck A/S and Lundbeck Ltd* to bear their own costs and to pay the European Commission's costs;
3. Orders the European Federation of Pharmaceutical Industries and Associations (EFPIA) to bear its own costs.

⁽¹⁾ OJ C 325, 9.11.2013.

Judgment of the General Court of 15 September 2016 — *Marchi Industriale v ECHA*

(Case T-620/13) ⁽¹⁾

(REACH — Fee for registration of a substance — Reduction granted to micro-, small and medium-sized enterprises — Error in declaration relating to the size of the enterprise — Recommendation 2003/361/EC — Decision imposing an administrative charge — Determination of the size of the undertaking — Power of the ECHA — Obligation to state reasons)

(2016/C 402/28)

Language of the case: Italian

Parties

Applicant: Marchi Industriale SpA (Florence, Italy) (represented by: M. Baldassarri and F. Donati, lawyers)

Defendant: European Chemicals Agency (represented initially by M. Heikkilä, A. Iber, E. Bigi, J.-P. Trnka and E. Maurage, and subsequently by M. Heikkilä, E. Bigi, J.-P. Trnka and E. Maurage, Agents, and by C. Garcia Molyneux, lawyer)

Re:

Application, first, under Article 263 TFEU, for annulment of Decision SME(2013) 3747 of the ECHA of 19 September 2013, which states that the applicant does not fulfil the conditions to receive a reduction of the fee for medium-sized enterprises and imposing an administrative charge on it and, second, under Article 263 TFEU for annulment of the invoices issued by the ECHA following adoption of Decision SME(2013) 3747.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders *Marchi Industriale SpA* to pay the costs.

⁽¹⁾ OJ C 24, 25.1.2014.

Judgment of the General Court of 13 September 2016 — *ENAC v INEA*

(Case T-695/13) ⁽¹⁾

(Financial aid — Projects of common interest in the field of trans-European transport and energy networks — Realisation of a study for the intermodal development of Bergamo-Orio al Serio Airport — Determination of the final amount of the financial aid — Ineligible costs — Error of law — Obligation to state reasons)

(2016/C 402/29)

Language of the case: Italian

Parties

Applicant: Ente nazionale per l'aviazione civile (ENAC) (Rome, Italy) (represented by: G. Palmieri and P. Garofoli, avvocati dello Stato)