

# GENERAL COURT

## Judgment of the General Court of 30 March 2022 — *Martinair Holland v Commission*

(Case T-323/17) <sup>(1)</sup>

*(Competition — Agreements, decisions and concerted practices — Market for airfreight — Decision finding an infringement of Article 101 TFEU, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and Switzerland on Air Transport — Coordination of elements of the price of air freight services (fuel surcharge, security surcharge, payment of commission on surcharges) — Exchange of information — Territorial jurisdiction of the Commission — Single and continuous infringement — Equal treatment — Obligation to state reasons)*

(2022/C 207/30)

Language of the case: English

### Parties

*Applicant:* Martinair Holland NV (Haarlemmermeer, Netherlands) (represented by: M. Smeets, lawyer)

*Defendant:* European Commission (represented by: A. Dawes and C. Vollrath, acting as Agents, and by B. Doherty, Barrister)

### Re:

Application under Article 263 TFEU for the annulment of Commission Decision C(2017) 1742 final of 17 March 2017 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 AT.39258 — Airfreight) in so far as it relates to the applicant.

### Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the European Commission to bear one third of its own costs;
3. Orders Martinair Holland NV to bear its own costs and pay two thirds of those incurred by the Commission.

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<sup>(1)</sup> OJ C 239, 24.7.2017.