

Re:

Application under Article 263 TFEU for annulment of Commission Decision C(2018) 3169 final of 28 May 2018, State aid SA.47707 (2018/N) on State compensations granted to PostNord for the provision of the universal postal service — Denmark.

Operative part of the judgment

The Court:

1. Annuls Commission Decision C(2018) 3169 final of 28 May 2018, State aid SA.47707 (2018/N) on State compensations granted to PostNord for the provision of the universal postal service — Denmark, in so far as it found, at the end of the preliminary examination phase, that, first, the exemption from value added tax (VAT) introduced by Administrative Decision No 1306/90 and Administrative Regulation F 6742/90, adopted by the Danish tax authorities, and, secondly, the capital increase of DKK one billion made to Post Danmark A/S by PostNord AB on 23 February 2017, did not constitute State aid;
2. Dismisses the action as to the remainder;
3. Orders ITD, Brancheorganisation for den danske vejgodstransport A/S and Danske Fragtmænd A/S to bear half of their own costs, with the rest of their costs being borne by the European Commission;
4. Orders the Commission, the Kingdom of Denmark, Jørgen Jensen Distribution A/S and Dansk Distribution A/S to bear their own costs.

⁽¹⁾ OJ C 427, 26.11.2018.

Judgment of the General Court of 5 May 2021 — Pharmaceutical Works Polpharma v EMA

(Case T-611/18) ⁽¹⁾

(Medicinal products for human use — Application for marketing authorisation for a generic version of the medicinal product Tecfidera — Decision of the EMA not to validate the application for marketing authorisation — Previous decision of the Commission taking the view that Tecfidera — Dimethyl fumarate was not covered by the same global marketing authorisation as Fumaderm — Plea of illegality — Admissibility — Previously authorised combination medicinal product — Subsequent marketing authorisation for a component of the combination medicinal product — Assessment of the existence of two different global marketing authorisations — Manifest error of assessment)

(2021/C 242/26)

Language of the case: English

Parties

Applicant: Pharmaceutical Works Polpharma S.A. (Starogard Gdański, Poland) (represented by: M. Martens and N. Carbonnelle, lawyers, and by S. Faircliffe, Solicitor)

Defendant: European Medicines Agency (represented by: T. Jabłoński, S. Drosos and R. Pita, acting as Agents)

Interveners in support of the defendant: European Commission (represented by: A. Sipos and L. Haasbeek, acting as Agents), Biogen Netherlands BV (Badhoevedorp, Netherlands) (represented by: C. Schoonderbeek, lawyer)

Re:

Application, first, for a declaration that the plea of illegality raised in respect of Commission Implementing Decision C(2014) 601 final of 30 January 2014 granting marketing authorisation for Tecfidera — Dimethyl fumarate, a medicinal product for human use, is admissible and well founded in so far as, in that implementing decision, the Commission considers that Tecfidera — Dimethyl fumarate is not covered by the same global marketing authorisation as Fumaderm, and, second, based on Article 263 TFEU seeking annulment of the decision of the EMA of 30 July 2018 not to validate the application submitted by the applicant with a view to obtaining a marketing authorisation for a generic version of the medicinal product Tecfidera.

Operative part of the judgment

The Court:

1. Annuls the decision of the European Medicines Agency (EMA) of 30 July 2018 not to validate the application submitted by Pharmaceutical Works Polpharma S.A. with a view to obtaining a marketing authorisation for a generic version of the medicinal product Tecfidera;
2. Dismisses the action as to the remainder;
3. Orders the EMA to bear its own costs and to pay those incurred by Pharmaceutical Works Polpharma;
4. Orders Biogen Netherlands BV and the European Commission to bear their own costs.

(¹) OJ C 455, 17.12.2018.

Judgment of the General Court of 5 May 2021 — Acron and Others v Commission

(Case T-45/19) (¹)

(Dumping — Imports of ammonium nitrate originating in Russia — Request for partial interim review — Termination of the partial interim review — No change of circumstances — Error of assessment — Obligation to state reasons — Rights of the defence)

(2021/C 242/27)

Language of the case: English

Parties

Applicants: Acron PAO (Veliky Novgorod, Russia), Dorogobuzh PAO (Dorogobuzh, Russia), Acron Switzerland AG (Baar, Switzerland) (represented by: T. De Meese, J. Stuyck and M. Van Nieuwenborgh, lawyers)

Defendant: European Commission (represented by: M. Gustafsson and P. Němečková, acting as Agents)

Intervener in support of the defendant: Fertilizers Europe (Brussels, Belgium) (represented by: B. O'Connor, Solicitor)

Re:

Application under Article 263 TFEU for annulment of Commission Implementing Decision (EU) 2018/1703 of 12 November 2018 terminating the partial interim review concerning imports of ammonium nitrate originating in Russia (OJ 2018 L 285, p. 97).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Acron PAO, Dorogobuzh PAO and Acron Switzerland AG to bear, in addition to their own costs, those incurred by the European Commission and by Fertilizers Europe.

(¹) OJ C 122, 1.4.2019.