

Judgment of the General Court of 16 December 2015 — Cathay Pacific Airways v Commission**(Case T-38/11)⁽¹⁾****(Competition — Agreements, decisions and concerted practices — European airfreight market — Agreements and concerted practices in respect of several elements of the pricing of airfreight services (imposition of fuel and security surcharges, refusal to pay commission on surcharges) — Article 101 TFEU, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and Switzerland on Air Transport — Obligation to state reasons)**

(2016/C 048/36)

Language of the case: English

Parties

Applicant: Cathay Pacific Airways Ltd (Queensway, Hong Kong, China) (represented initially by D. Vaughan QC, R. Kreisberger, Barrister, B. Bar-Bouyssièrè, lawyer, and M. Rees, Solicitor, then by D. Vaughan, R. Kreisberger and M. Rees)

Defendant: European Commission (represented initially by S. Noë, N. von Lingen and J. Bourke, and subsequently by A. Dawes, acting as Agents, and by J. Holmes, Barrister)

Re:

Application for annulment of Commission Decision C(2010) 7694 final of 9 November 2010 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 COMP/39258 — Airfreight), in so far as it concerns the applicant, and, in the alternative, for a reduction in the fine imposed on the applicant.

Operative part of the judgment

The Court:

1. Annuls Articles 2, 3 and 5 of Commission Decision C(2010) 7694 final of 9 November 2010 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 COMP/39258 — Airfreight), in so far as they concern Cathay Pacific Airways Ltd;
2. Orders the European Commission to bear its own costs and to pay those of Cathay Pacific Airways.

⁽¹⁾ OJ C 72, 5.3.2011.