

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (First Chamber) of 13 December 2018 — European Union, represented by the Court of Justice of the European Union v Gascogne Sack Deutschland GmbH, formerly Sachsa Verpackung GmbH, Gascogne SA, European Commission (C-138/17), Gascogne Sack Deutschland GmbH, Gascogne SA v European Union, represented by the Court of Justice of the European Union, European Commission (C-146/17)

(Joined Cases C-138/17 P and C-146/17 P) ⁽¹⁾

(Appeal — Actions for damages — Second paragraph of Article 340 TFEU — Excessive duration of the proceedings in two cases before the General Court of the European Union — Damage allegedly suffered by the applicants — Material damage — Bank guarantee charges — Causal link — Default interest — Non material damage)

(2019/C 65/02)

Language of the case: French

Parties

(Case C-138/17 P)

Appellant: European Union, represented by the Court of Justice of the European Union (represented by: J. Inghelram and Á. M. Almendros Manzano, acting as Agents)

Other parties to the proceedings: Gascogne Sack Deutschland GmbH, formerly Sachsa Verpackung GmbH, Gascogne SA (represented by: F. Puel and E. Durand, avocats), European Commission (represented by: C. Urraca Caviedes, S. Noë and F. Erlbacher, acting as Agents)

(Case C-146/17 P)

Appellants: Gascogne Sack Deutschland GmbH, Gascogne SA (represented by: F. Puel and E. Durand, avocats)

Other parties to the proceedings: European Union, represented by the Court of Justice of the European Union (represented by: J. Inghelram and Á.M. Almendros Manzano, acting as Agents), European Commission

Operative part of the judgment

The Court:

1. Sets aside point 1 of the operative part of the judgment of the General Court of the European Union of 10 January 2017, *Gascogne Sack Deutschland and Gascogne v European Union* (T-577/14, EU:T:2017:1);
2. Dismisses the appeal in Case C-146/17 P brought by Gascogne Sack Deutschland GmbH and Gascogne SA;

3. Dismisses the claim for damages brought by Gascogne Sack Deutschland GmbH and Gascogne SA inasmuch as it seeks to obtain compensation in the amount of EUR 187 571 for the alleged material damage consisting in the payment of bank guarantee charges beyond a reasonable time for adjudicating in the cases which gave rise to the judgments of 16 November 2011, *Groupe Gascogne v Commission* (T-72/06, not published, EU:T:2011:671), and of 16 November 2011, *Sachsa Verpackung v Commission* (T-79/06, not published, EU:T:2011:674);
4. Orders Gascogne Sack Deutschland GmbH and Gascogne SA to bear their own costs and to pay all the costs incurred by the European Union, represented by the Court of Justice of the European Union, in relation to the present appeals, and to bear their own costs at first instance;
5. Orders the European Union, represented by the Court of Justice of the European Union, to bear its own costs incurred at first instance;
6. Orders the Commission to bear its own costs of both the proceedings at first instance and of the appeal in Case C-138/17 P.

⁽¹⁾ OJ C 151, 15.5.2017.

Judgment of the Court (First Chamber) of 13 December 2018 — European Union, represented by the Court of Justice of the European Union v Kendrion NV, European Commission

(Case C-150/17 P) ⁽¹⁾

(Appeal — Actions for damages — Second paragraph of Article 340 TFEU — Excessive duration of the proceedings in a case before the General Court of the European Union — Compensation for damage allegedly suffered by the applicant — Material damage — Bank guarantee charges — Causal link — Default interest — Non-material damage)

(2019/C 65/03)

Language of the case: Dutch

Parties

Appellant: European Union, represented by the Court of Justice of the European Union (represented by: J. Inghelram and E. Beysen, acting as Agents)

Other parties to the proceedings: Kendrion NV (represented by: Y. de Vries, T. Ottervanger and E. Besselink, advocaten), European Commission (represented by: C. Urraca Caviedes, S. Noë and F. Erlbacher, acting as Agents)

Operative part of the judgment

The Court:

1. Sets aside point 1 of the operative part of the judgment of the General Court of the European Union of 1 February 2017, *Kendrion v European Union* (T-479/14, EU:T:2017:48);
2. Dismisses the cross-appeal brought by Kendrion NV;
3. Dismisses the claim for damages brought by Kendrion NV, inasmuch as it seeks to obtain compensation for the material damage consisting in the payment of bank guarantee charges beyond a reasonable time for adjudicating in the case which gave rise to the judgment of 16 November 2011, *Kendrion v Commission* (T-54/06, not published, EU:T:2011:667);