

Judgment of the Court (Fourth Chamber) of 19 December 2019 (request for a preliminary ruling from the Oberster Gerichtshof — Austria) — GN, represented for legal purposes by HM v ZU, acting as administrator in the insolvency of Niki Luftfahrt GmbH

(Case C-532/18) ⁽¹⁾

(Reference for a preliminary ruling — Air transport — Montreal Convention — Article 17(1) — Air carrier liability in the event of accidents — Concept of ‘accident’ — Aircraft in flight — Spillage of a cup of coffee placed on the tray table of a seat — Bodily injuries caused to the passenger)

(2020/C 61/14)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: GN, represented for legal purposes by HM

Defendant: ZU, acting as administrator in the insolvency of Niki Luftfahrt GmbH

Operative part of the judgment

Article 17(1) of the Convention for the Unification of Certain Rules for International Carriage by Air, concluded in Montreal on 28 May 1999, signed by the European Community on 9 December 1999 and approved on its behalf by Council Decision 2001/539/EC of 5 April 2001, must be interpreted as meaning that the concept of ‘accident’ within the meaning of that provision covers all situations occurring on board an aircraft in which an object used when serving passengers has caused bodily injury to a passenger, without it being necessary to examine whether those situations stem from a hazard typically associated with aviation.

⁽¹⁾ OJ C 427, 26.11.2018.

Judgment of the Court (Seventh Chamber) of 19 December 2019 — Viscas Corp. v European Commission and Furukawa Electric Co. Ltd

(Case C-582/18 P) ⁽¹⁾

(Appeal — Competition — Agreements, decisions and concerted practices — European market for underground and submarine power cables — Market allocation in connection with projects — Fines — 2006 Guidelines on the method of setting fines — Determining the relative weight of the European and non-European members in the cartel — Participation of European undertakings in the cartel at several levels — Principle of equal treatment)

(2020/C 61/15)

Language of the case: English

Parties

Appellant: Viscas Corp. (represented by: J.-F. Bellis, avocat)

Other parties to the proceedings: European Commission (represented by: H. van Vliet, A. Biolan and I. Zalognin, acting as Agents), Furukawa Electric Co. Ltd (represented by: initially, by A. Luke and C. Pouncey, Solicitors, and, subsequently, by A. Luke and K. Fountoukakos, Solicitors)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Viscas Corp. to bear its own costs and to pay those incurred by the European Commission;
3. Orders Furukawa Electric Co. Ltd to bear its own costs.

(¹) OJ C 427, 26.11.2018.

Judgment of the Court (Seventh Chamber) of 19 December 2019 — Furukawa Electric Co. Ltd v European Commission, Viscas Corp.

(Case C-589/18 P) (¹)

(Appeal — Competition — Agreements, decisions and concerted practices — European market for underground and submarine power cables — Market allocation in connection with projects — Fines — 2006 Guidelines on the method of setting fines — Determination of the value of sales — Principle of equal treatment)

(2020/C 61/16)

Language of the case: English

Parties

Appellant: Furukawa Electric Co. Ltd (represented by: initially, A. Luke and C. Pouncey, Solicitors, then A. Luke and K. Fountoukakos-Kyriakakos, Solicitors)

Other parties to the proceedings: European Commission (represented by: H. van Vliet, A. Biolan and I. Zaloguin, acting as Agents), Viscas Corp. (represented by: J.-F. Bellis, avocat)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Declares that Furukawa Electric Co. Ltd is to bear its own costs and orders it to pay those incurred by the European Commission;
3. Declares that Viscas Corp. is to bear its own costs.

(¹) OJ C 427, 26.11.2018.