

Judgment of the General Court of 16 December 2020 — RN v Commission(Case T-442/17 RENV) ⁽¹⁾

(Civil service — Officials — Surviving spouse — Survivor's pension — Articles 18 and 20 of Annex VIII to the Staff Regulations — Conditions for eligibility — Duration of the marriage — Plea of illegality — Equal treatment — Principle of non-discrimination on grounds of age — Proportionality — Concept of 'spouse')

(2021/C 62/28)

Language of the case: French

Parties

Applicant: RN (represented by: F. Moyse, lawyer)

Defendant: European Commission (represented by: G. Gattinara and B. Mongin, acting as Agents)

Intervener in support of the defendant: European Parliament (represented by: M. Ecker and E. Taneva, acting as Agents)

Re:

Application under Article 270 TFEU seeking annulment of the Commission's decision of 24 September 2014 rejecting the applicant's request for a survivor's pension.

Operative part of the judgment

The Court:

1. Annuls the decision of the European Commission of 24 September 2014 rejecting RN's request for a survivor's pension;
2. Orders the Commission to pay, in addition to its own costs, the costs incurred by RN relating to Case F-104/15 and in the present proceedings on referral;
3. Orders the Commission and RN each to bear their own costs relating to the proceedings in Case T-695/16 P;
4. Orders the European Parliament to bear its own costs relating to Case F-104/15 and the present proceedings on referral.

⁽¹⁾ OJ C 302, 14.9.2015.

Judgment of the General Court of 16 December 2020 — International Skating Union v Commission(Case T-93/18) ⁽¹⁾

(Competition — Association of undertakings — Speed skating events — Decision finding an infringement of Article 101 TFEU — Regulations of a sports federation — Balance between competition law and the specific nature of the sport — Sports betting — Court of Arbitration for Sport — Guidelines on the calculation of fines — Scope of territorial application of Article 101 TFEU — Restriction of competition by object — Corrective measures)

(2021/C 62/29)

Language of the case: English

Parties

Applicant: International Skating Union (Lausanne, Switzerland) (represented by: J.-F. Bellis, lawyer)

Defendant: European Commission (represented by: H. van Vliet, G. Meessen and F. van Schaik, acting as Agents)

Interveners in support of the defendant: Mark Jan Hendrik Tuitert (Hoogmade, Netherlands), Niels Kerstholt (Zeist, Netherlands), European Elite Athletes Association (Amsterdam, Netherlands) (represented by: B. Braeken and J. Versteeg, lawyers)

Re:

Application under Article 263 TFUE for annulment of Commission Decision C(2017) 8230 final, adopted on 8 December 2017 relating to proceedings under Article 101 TFEU and Article 53 of the EEA Agreement (Case AT/40208 — International Skating Union's eligibility rules).

Operative part of the judgment

The Court:

1. Annuls Articles 2 and 4 of Commission Decision C(2017) 8230 final, adopted on 8 December 2017 relating to proceedings under Article 101 TFEU and Article 53 of the EEA Agreement (Case AT/40208 — International Skating Union's eligibility rules), in so far as, by requiring the International Skating Union to put an end to the infringement established which is subject to a periodic penalty payment, the Commission refers to the arbitration rules and requires that they be amended in the event that the pre-authorisation system is maintained;
2. Dismisses the action as to the remainder;
3. Orders the International Skating Union and the European Commission to bear their own costs;
4. Orders the European Elite Athletes Association, Mr Mark Jan Hendrik Tuitert and Mr Niels Kerstholt to bear their own costs.

⁽¹⁾ OJ C 142, 23.4.2018.

Judgment of the General Court of 16 December 2020 — Fakro v Commission

(Case T-515/18) ⁽¹⁾

(Competition — Abuse of dominant position — Market for roof windows and flashings — Decision rejecting a complaint — Article 7 of Regulation (EC) No 773/2004 — Access to the file — Principle of sound administration — Reasonable period — Manifest error of assessment — Obligation to state reasons — No EU interest — Probability of being able to establish the existence of an infringement — Predatory pricing — ‘Fighting brands’ — Rebates — Exclusivity)

(2021/C 62/30)

Language of the case: Polish

Parties

Applicant: Fakro sp. z o.o. (Nowy Sącz, Poland) (represented by: A. Radkowiak-Macuda and Z. Kiedacz, lawyers)

Defendant: European Commission (represented by: M. Farley, I. Rogalski and J. Szczodrowski, acting as Agents)

Intervener in support of the applicant: Republic of Poland (represented by: B. Majczyna, M. Wiącek and M. Rzotkiewicz, acting as Agents)

Re:

Action under Article 263 TFEU for the annulment of Commission Decision C(2018) 3864 final of 14 June 2018 rejecting the complaint lodged by the applicant alleging infringements of Article 102 TFEU in the market for roof windows and flashings (Case AT.40026 — Velux).