

GENERAL COURT

Judgment of the General Court of 15 September 2016 — Ferraci v Commission

(Case T-219/13) ⁽¹⁾

(State aid — Municipal real estate tax — Exemption granted to non-commercial entities carrying out specific activities — Codified law on income tax — Exemption from the one-off municipal tax — Decision in part finding no State aid and in part declaring the aid incompatible with the internal market — Action for annulment — Regulatory act not entailing implementing measures — Whether directly concerned — Admissibility — Absolute impossibility of recovering the aid — Article 14(1) of Regulation (EC) No 659/1999 — Obligation to state reasons)

(2016/C 392/24)

Language of the case: Italian

Parties

Applicant: Pietro Ferraci (San Cesareo, Italy) (represented initially by: A. Nucara and E. Gambaro, and subsequently by E. Gambaro, lawyers)

Defendant: European Commission (represented initially by: V. Di Bucci, G. Conte and D. Grespan, and subsequently by G. Conte, D. Grespan and F. Tomat, acting as Agents)

Intervener in support of the defendant: Italian Republic (represented by: G. Palmieri and G. De Bellis, acting as Agents)

Re:

Application based on Article 263 TFEU and seeking the annulment of Commission Decision 2013/284/EU of 19 December 2012 on State aid SA.20829 (C 26/2010, ex NN 43/2010 (ex CP 71/2006)); Scheme concerning the municipal real estate tax exemption granted to real estate used by non-commercial entities for specific purposes implemented by Italy (JO 2013 L 166, p. 24).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Pietro Ferraci to bear his own costs and pay those incurred by the European Commission;
3. Orders the Italian Republic to bear its own costs relating to its intervention.

⁽¹⁾ OJ C 164, 8.6.2013.

Judgment of the General Court of 8 September 2016 — Xellia Pharmaceuticals and Alpharma v Commission

(Case T-471/13) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market for antidepressant medicinal products containing the active pharmaceutical ingredient citalopram — Concept of restriction of competition ‘by object’ — Potential competition — Generic medicinal products — Barriers to market entry resulting from the existence of patents — Agreement concluded between a patent holder and a generic undertaking — Duration of the Commission’s investigation — Rights of the defence — Fines — Legal certainty — Principle that penalties must have a proper legal basis)

(2016/C 392/25)

Language of the case: English

Parties

Applicants: Xellia Pharmaceuticals ApS (Copenhagen, Denmark), and Alpharma, LLC, formerly Zoetis Products LLC (Florham Park, New Jersey, United States) (represented by: D. Hull, Solicitor)