

GENERAL COURT

Judgment of the General Court of 12 April 2013 — Du Pont de Nemours (France) and Others v Commission

(Case T-31/07) ⁽¹⁾

(Plant protection products — Active substance flusilazole — Inclusion of flusilazole in Annex I to Directive 91/414/EEC — Actions for annulment — Partial annulment — Non-severability — Inadmissibility — Non-contractual liability — Limiting the inclusion for a period of 18 months and for four crops — Precautionary principle — Principle of proportionality — Right to be heard — Equal treatment — Statement of reasons — Misuse of powers — Sufficiently serious breach of a rule of law conferring rights on individuals)

(2013/C 156/43)

Language of the case: English

Parties

Applicants: Du Pont de Nemours (France) SAS (Puteaux, France); Du Pont Portugal — Serviços, Sociedade Unipessoal L^{da} (Lisbon, Portugal); Du Pont Ibérica, SL (Barcelona, Spain); Du Pont de Nemours (Belgium) BVBA (Mechelen, Belgium); Du Pont de Nemours Italiana Srl (Milan, Italy); Du Pont De Nemours (Nederland) BV (Dordrecht, Netherlands); Du Pont de Nemours (Deutschland) GmbH (Bad Homburg vor der Höhe, Germany); DuPont CZ s.r.o. (Prague, Czech Republic); DuPont Magyarország Kereskedelmi kft (Budaors, Hungary); DuPont Poland sp. z o.o. (Warsaw, Poland); DuPont Romania Srl (Bucharest, Romania); DuPont (UK) Ltd (Stevenage, United Kingdom); Dy-Pont Agkro Ellas AE (Halandri, Greece); DuPont International Operations SARL (Le Grand Saconnex, Switzerland); DuPont Solutions (France) SAS (Puteaux) (represented: initially by D. Waelbroeck and N. Rampal, and subsequently by D. Waelbroeck, lawyers)

Defendant: European Commission (represented: initially by L. Parpala and B. Doherty, and subsequently by L. Parpala and G. von Rintelen, acting as Agents)

Intervener in support of the applicants: European Crop Protection Association (ECPA) (Brussels, Belgium) (represented: by U. Zinsmeister and E. Antypas, lawyers)

Re:

Action for (i) annulment of Commission Directive 2006/133/EC of 11 December 2006 amending Council Directive 91/414/EEC to include flusilazole as active substance (OJ 2006 L 349, p. 27) in so far as it includes flusilazole in Annex I to Directive 91/414 in respect of only four crops and for a period of 18 months and (ii) damages.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Du Pont de Nemours (France) SAS, Du Pont Portugal — Serviços, Sociedade Unipessoal L^{da}, Du Pont Ibérica, SL, Du Pont de Nemours (Belgium) BVBA, Du Pont de Nemours Italiana Srl, Du Pont De Nemours (Nederland) BV, Du Pont de Nemours (Deutschland) GmbH, DuPont CZ s.r.o., DuPont Magyarország Kereskedelmi kft, DuPont Poland sp. z o.o., DuPont Romania Srl, DuPont (UK) Ltd, Dy-Pont Agkro Ellas AE, DuPont International Operations SARL and DuPont Solutions (France) SAS, to bear their own costs and to pay those of the Commission in respect of the main proceedings and the interlocutory proceedings;
3. Orders the European Crop Protection Association (ECPA) to bear its own costs.

⁽¹⁾ OJ C 69, 24.3.2007.

Judgment of the General Court of 12 April 2013 — AEPI v Commission

(Case T-392/08) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Copyright relating to public performance of musical works via the internet, satellite and cable retransmission — Decision finding an infringement of Article 81 EC — Sharing of the geographic market — Bilateral agreements between national societies — Concerted practices precluding the possibility of granting multi-territory and multi-repertoire licences — Proof — Presumption of innocence)

(2013/C 156/44)

Language of the case: Greek

Parties

Applicant: AEPI Elliniki Etaireia pros Prostatian tis Pnevmatikis Idioktiasias AE (Athens, Greece) (represented initially by P. Xanthopoulos and T. Asprogerakas Grivas, then T. Asprogerakas Grivas, lawyers)

Defendant: European Commission (represented by: T. Christoforou and F. Castillo de la Torre, acting as Agents, assisted initially by M. Moustakali, then S. Dempegiotis, lawyers)

Re:

Application for annulment in part of Commission Decision C(2008) 3435 final of 16 July 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/C2/38.698 — CISAC).

Operative part of the judgment

The Court:

1. Annuls Article 3 of Commission Decision C(2008) 3435 final of 16 July 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/C2/38.698 — CISAC), in so far as it concerns AEPI Elliniki Etaireia pros Prostatian tis Pnevmatikis Idioktiasias AE;