

GENERAL COURT

Judgment of the General Court of 16 December 2015 — Air Canada v Commission

(Case T-9/11) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — European airfreight market — Agreements and concerted practices in respect of several elements of the pricing of airfreight services (imposition of fuel and security surcharges, refusal to pay commission on surcharges) — Article 101 TFEU, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and Switzerland on Air Transport — Obligation to state reasons)

(2016/C 048/33)

Language of the case: English

Parties

Applicant: Air Canada (Quebec, Canada) (represented by: S. Kim, H. Bignall, J. Pheasant and T. Capel, Solicitors)

Defendant: European Commission (represented initially by S. Noë and N. von Lingen, subsequently by J. Bourke and S. Noë, and lastly by A. Dawes and H. Leupold, acting as Agents, and by G. Peretz, Barrister)

Re:

Application for annulment of Commission Decision C(2010) 7694 final of 9 November 2010 relating to a proceeding under Article 101 TFEU, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and the Swiss Confederation on Air Transport (Case COMP/39258 — Airfreight), in so far as it concerns the applicant, and, in the alternative, for the reduction of the fine imposed on the applicant.

Operative part of the judgment

The Court:

1. Annuls Commission Decision C(2010) 7694 final of 9 November 2010 relating to a proceeding under Article 101 TFEU, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and the Swiss Confederation on Air Transport (Case COMP/39258 — Airfreight), in so far as it concerns Air Canada;
2. Dismisses the remainder of the action;
3. Orders the European Commission to bear its own costs and to pay those of Air Canada.

⁽¹⁾ OJ C 72, 5.3.2011.