

English Translation

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Art 792 CJ

Exempt from court office fees art. 280.2° C.Rec

Index number 2022/6548

Date of announcement 27 September 2022

Roll number 2016/AR/393 jointly with 2016/AR/394

Brussels Court of Appeal

Court Order

17th Chamber of Civil Affairs

[BAR CODE]

R.G. : 2016/AR/393

Mr Viorel Micula, born on April 8 1957 in Romania, of Swedish nationality, who is domiciled in Oradea, Strada Libertatii number 14-16, Count of Bihor, Romania, who chose his domicile to be the office of his counsel for the purposes of the present proceeding;

Appellant

Represented by Maitre Hakin Boularbah, lawyer at 1000 Bruxelles boulevard de l'Empereur, 3;

Against

1. Romanian Air Traffic Services Administration – independent board (abbreviated as “ROMATSA”) legal person incorporated under Romanian law, with its registered office in Bulevardul Ion Ionescu de la Brad 10, Bucuresti 013813, Romania, and registered in the Commercial Register No J40/1012/1991, with its tax code RO1589932, who has elected for the purposes of this procedure the offices of its lawyers as its domicile.

Respondent

Represented by Maitre Khalatyan, Lilith Ioco; Maitre Ghilain, Thierry, lawyer at 1160 Bruxelles, Rue Jules Cockx 8-10.

2. Romania, represented by its Minister of Public Finance,

whose offices are located at RO-050471, Bucharest/Romania, Strada Apolodor nr 17, sector 5;

Respondent

3. The European Commission, with its seat at 1049 Bruxelles, Rue de la Loi, 200,

Respondent and voluntary intervener.

Represented by Maitre Grognard, Xavier, lawyer at 1040 Burxelles, avenue de Tervueren 51 bte 4;

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4. Eurocontrol (L'organisation Europeene Pour la Securite De la Navigation Aerienne), registered at the Bank Carrefour des Entreprises, under number 0923.980.032, with its registered office at 1130 Bruxelles, rue de la Fusee 96,

Respondent

Represented by Maitre Jouve, Ioco Maitre De Maeyer, Patrik and Maitre Hennebicq, lawyers at 1160 Bruxelles, avenue Tedesco 7;

5.

1. Mr. Ioan Micula, domiciled in Colinelor Street, No, 13-15, Oradea, Bihor County, Romania,

2. S.C. European Food S.A., with its registered office at Pantasesti No. 41, Bihor County, Draganesti, 417256, Romania,

3. S.C. Starmill S.R.L., with its registered office in Pantasesti No. 41, Bihor County, Draganesti, 417256, Romania,

4.S.C. Multipack S.R.L., with its registered office in Pantasesti No. 41, Bihor County, Draganesti, 417256, Romania,

Respondents and voluntary interveners,

Represented by HUBLET Alexandre, lawyer in 1040 Brussels, rue de Ia Loi, 62, where he elected his domicile.

Joined with: RG 2016/AR/394

1.

1. Mr Ioan Micula, domiciled at 13-15 Colinelor Street, Oradea, Bihor County, Romania

2. S.C. European Food S.A., with its registered office at Pantasesti No. 41, Bihor County, Draganesti, 417256, Romania

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3. SC Starmill S.R.L., with its registered office at Pantasesti No 41, Bihor County, Draganesti, 417256, Romania

4. SC Multipack S.R.L., with its registered office at Pantasesti No. 41, Bihor County, Draganesti, 417256, Romania,

Appellants

Represented by Hublet, Alexander, lawyer, with his offices at 1040 Bruxelles, rue de la Loi, 62, where he has elected his domicile.

Against

1. Romanian Air Traffic Services Administration – independent board (abbreviated as “ROMATSA”) legal person incorporated under Romanian law, with its registered office in Bulevardul Ion Ionescu de la Brad 10, Bucurestit 013813, Romania, and registered in the Commercial Register No J40/1012/1991, with its tax code RO1589932, who have elected for the purposes of this procedure the offices of its lawyers as its domicile.

Respondent

Represented by Maitre Khalaytan, Lilith Ioco, Maitre Ghilain, Thierry, lawyer at 1160 Bruxelles, rue Jules Cockx 8-10.

2. Romania, represented by its Minister of Public Finances, with his offices at RO-050471 Bucurest, Romania, Strada Apolodor Nr 17, sector 5;

Respondent

Represented by Maitre Bertouille, Stephane, lawyer at 1050 Bruxelles, avenue Louise 283/19;

3. Mr Viorel Micula, born on 8 April 1957 in Romania, of Swedish nationality, domiciled at Oradea, Strada Libertaeti no 14-16, Count of Bihor, Romania, who has elected his domicile to be the offices of his lawyers for the present procedure;

Respondent

Represented by Maitre Hakim Boularbah, lawyer at 1000 Bruxelles, Boulevard de L'Empreneur, 3;

[BAR CODE]

4. The European Commission, with its seat at 1049 Bruxelles, rue de la Loi, 200,

Respondent and voluntary intervener,

Represented by Maitre Grogard, Xavier at 1040 Bruxelles, avenue de Tervueren 51 bte 4;

5. Eurocontrol (L'organisation Europeenne pour la securite de la navigation aeriennne), registered at the Bank Carrefour des Entreprises, under number 0923.980.032, with its registered office at 1130 Bruxelles, rue de la Fusee 96,

Respondent,

Represented by Maitre Jouve, Ioco; Maitre De Maeyer, Patrik, lawyer at 1160 Bruxelles, avenue Tedesco 7.

Having regard to the documents in the proceedings, in particular:

- The judgement rendered by the francophone court of first instance of Brussels, dated 25 January 2016, served on the 1st and 2nd of February 2016;
- The petitions for appeal filed on 29 February 2016;
- The judgement of this court rendered on 12 March 2019, to which the court has:

joined the cases with the roll numbers 2016 AR 393 and 2016 AR 394;

declared the appeal of Mr Micula Viorel, Mr Micula Ioan and the companies Starmill, Efood and Multipack admissible;

reserved judgement pending the reply of the Court of Justice of the European Union to three preliminary questions and a final decision by the European courts on the action for annulment of the decision of the European Commission dated 30 March, 2015;

- Mr Micula Viorel's email of May 31, 2022, also filed via DPA, which announced his withdrawal from the proceedings;
- The European Commission's memorandum of observations filed on 31 May 2022;
- The letter of 31 May 2022, filed by an "e-deposit" and submitted at the 20 September 2022 hearing, in which Mr Micula Ioan and the companies Starmill, Efood, and Multipack

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agree with the withdrawal of Mr Micula Viorel and invite the court to inform the Court of Justice of the European Union – as soon as possible – of the end the proceedings before the court of first instance.

- The pleadings of 13 June 2022, filed at the 14 June 2022 hearing, in which Mr Viorel Micula requests that his appeal against the judgement of the francophone court of first instance of Brussels dated 25 January 2016 be dismissed, and that each party be relieved of its own costs;
- The conclusions of the withdrawal proceedings of the State of Romania, filed at the court registry on 19 September 2022, seeking an acknowledgement that Romania accepts the withdrawal of Mr Micula Viorel from the appeal, that the latter shall bear all the costs and that it withdraws its counterclaim.
- The email of the Romanian Air Traffic Services Administration (“Romatsa”), dated 19 September 2022, filed at the hearing of 20 September 2022, in which Romatsa states that it has reached an agreement with Mr Viorel Micula and that Romatsa accepts the latter’s claim and declares that it withdraws its own counterclaims, the costs being borne by Mr Viorel Micula.

The court takes note of the withdrawal of Mr Viorel Micula and of the acceptance of this withdrawal by Romania, which withdraws its counterclaim that the court acknowledges. The court acknowledges Mr Micula Ioan, and the companies Starmill, Efood and Multipack, who withdraw their own counterclaims.

The costs, which are not liquidated in the absence of a statement, are to be borne by Mr Micula Viorel, a party who has withdrawn his appeal.

For these reasons,

The court,

Ruling on both sides of the issue,

Considering the law of 15 June 1935;

Acknowledges Mr Viorel Micula’s withdrawal from the appeal;

Acknowledges Romania, Mr Micula Ioan, Starmill, Efood, Multipack and Romatsa’s acceptance of Mr Viorel Micula’s withdrawal.

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Acknowledges Romania and Romatsa's dismissal of their counterclaims.

The costs, not liquidated in the absence of a statement, are charged to Mr Micula Viorel.

This court order was delivered at the public hearing held on 27 September 2022, by

D. Degreeef - President

B. Heymans – Clerk

[Signature of B Heymans] [Signature of D. Degreeef]

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