

Judgment of the Court (First Chamber) of 14 September 2006 (reference for a preliminary ruling from the Diikitiko Protodikio Ioanninon — Greece) — Alfa Vita Vassilopoulos AE, formerly Trofo Super-Markets AE v Elliniko Dimosio, Nomarkhiaki Aftodiikisi Ioanninon (C-158/04), Carrefour Marinopoulos AE v Elliniko Dimosio, Nomarkhiaki Aftodiikisi Ioanninon (C-159/04)

(Joined Cases C-158/04 and C-159/04) ⁽¹⁾

(Free movement of goods — Article 28 EC — Quantitative restrictions — Measures having equivalent effect — Marketing of frozen ‘bake-off’ products)

(2006/C 281/04)

Language of the case: Greek

Referring court

Diikitiko Protodikio Ioanninon — Greece

Parties to the main proceedings

Applicants: Alfa Vita Vassilopoulos AE, formerly Trofo Super-Markets AE (C-158/04), Carrefour Marinopoulos AE (C-159/04)

Defendant: Elliniko Dimosio, Nomarkhiaki Aftodiikisi Ioanninon

Re:

Reference for a preliminary ruling — Diikitiko Protodikio Ioanninon — Marketing of ‘bake-off’ bakery products — Requirement for a licence — Compatibility with Article 28 EC

Operative part of the judgment

Article 28 EC is to be interpreted as precluding national legislation which makes the sale of ‘bake-off’ products subject to the same requirements as those applicable to the full manufacturing and marketing procedure for traditional bread and bakery products.

⁽¹⁾ OJ C 106, 30.04.2006.

Judgment of the Court (Second Chamber) of 21 September 2006 — JCB Service v Commission of the European Communities,

(Case C-167/04 P) ⁽¹⁾

(Appeals — Cartels — Article 81 EC — Distribution agreements — Concerted practices — Notification — Form A/B — Application for exemption — Rejection — Duration of the assessment of the notification procedure — Rights of the defence — Presumption of innocence — Complaint — Infringement — General prohibition on passive sales — Limitation of the sources of supply — New pleas in law — Fines — Guidelines — Gravity of the infringement — Duration — Attenuating circumstances — Cross-appeal — Aggravating circumstances)

(2006/C 281/05)

Language of the case: English

Parties

Appellant: JCB Service, (represented by: E.Morgan de Rivery and E. Friedel, lawyers)

Other party to the proceedings: Commission of the European Communities, (represented by: A. Whelan, Agent)

Re:

Appeal against the judgment of the Court of First Instance (First Chamber) of 13 January 2004 in Case T-67/01 *JCB Service v Commission* partially annulling the Commission Decision of 21 December 2000 relating to a proceeding under Article 81 of the EC Treaty (COMP.F.1/35.918 — JCB)

Operative part of the judgment

The Court

1. Dismisses the appeal.
2. Allows the cross-appeal of the Commission of the European Communities.
3. Sets aside paragraph 2 of the operative part of the judgment of the Court of First Instance of the European Communities of 13 January 2004 in Case T-67/01 *JCB Service v Commission*.
4. Fixes the amount of the fine imposed on JCB Service under Article 4 of Commission Decision 2002/190/EC of 21 December 2000 relating to a proceeding under Article 81 of the EC Treaty (Case COMP.F.1/35.918 — JCB) at EUR 30 864 000.
5. Orders JCB Service to bear all the costs of these appeal proceedings.

⁽¹⁾ OJ C 156, 12.06.2004.