

2. *Orders the Commission to pay the costs.*

(¹) OJ C 6 of 8.1.2000 and C 211 of 22.7.2000.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 6 March 2002

in Joined Cases T-92/00 and T-103/00, Territorio Histórico de Álava — Diputación Foral de Álava and Others v Commission of the European Communities(¹)

(State aid — Concept of State aid — Tax measures — Selective nature — Justification owing to the nature or scheme of the tax system — Misuse of powers)

(2002/C 156/33)

(Language of the case: Spanish)

In Joined Cases T-92/00, Territorio Histórico de Álava — Diputación Foral de Álava, represented by A. Creus Carreras and B. Uriarte Valiente, lawyers, and T-103/00 Ramondín SA, established in Logroño (Spain), Ramondín Cápsulas SA, established in Laguardia (Spain), represented by J. Lazcano-Iturburu, lawyer, against Commission of the European Communities (Agents: F. Santaolalla, G. Rozet and G. Valero Jordana) — application for the annulment of Commission Decision 2000/795/EC of 22 December 1999 on the State aid implemented by Spain for Ramondín SA and Ramondín Cápsulas SA (OJ 2000 L 318, p. 36) — the Court of First Instance (Third Chamber, Extended Composition), composed of J. Azizi, President of the Chamber, K. Lenaerts, V. Tiili, R.M. Moura Ramos and M. Jaeger, Judges; J. Plingers, Administrator, for the Registrar, has given a judgment on 6 March 2002, in which it:

1. *Dismisses the actions.*
2. *Orders the applicants to pay their own costs and also those incurred by the Commission.*

(¹) OJ C 163 of 10.6.2000.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 26 February 2002

in Case T-169/00, Esedra SPRL v Commission of the European Communities(¹)

(Public contract for the supply of services — Day nursery management services — Principle of non-discrimination — Contract notice — Contract documents — Reasons for decision not to award contract — Misuse of powers)

(2002/C 156/34)

(Language of the case: French)

In Case T-169/00: Esedra SPRL, established in Brussels (Belgium), represented by G. Vandersanden, E. Gillet and L. Levi, lawyers, with an address for service in Luxembourg, against Commission of the European Communities (Agents: initially by X. Lewis and L. Parpala, and, subsequently, H. van Lier and L. Parpala) — application first, for the suspension of operation of the Commission's decision not to award to the applicant the public contract relating to invitation to tender No 99/52/IX.D.1, notified to the applicant by letter of 31 May 2000, and the Commission's decision to award the contract to a group of Italian companies represented by Centro Studi Antonio Manieri Srl, notified to the applicant by letter of 9 June 2000, and, second, for compensation for the damage allegedly caused by those decisions — the Court of First Instance (Fifth Chamber), composed of P. Lindh, President of the Chamber, R. García-Valdecasas and J.D. Cooke, Judges; B. Pastor, Administrator, for the Registrar, has given a judgment on 26 February 2002, in which it:

1. *Dismisses the application.*
2. *Orders the applicant to pay its own costs and those of the Commission, including the costs incurred in the proceedings for interim measures.*

(¹) OJ C 259 of 9.9.2000.