

**Action brought on 30 September 2002 by Amga —
Azienda Mediterranea Gas e Acqua SpA against the
Commission of the European Communities**

(Case T-300/02)

(2002/C 289/70)

(Language of the case: Italian)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 30 September 2002 by Amga — Azienda Mediterranea Gas e Acqua SpA, represented by Luca G. Radicati di Brozolo and Massimo Merola, lawyers.

The applicant claims that the Court should:

- annul the Commission's decision of 5 June 2002 (State Aid No C.27/99) in so far as it declares unlawful and incompatible with the common market the three-year exemption from tax on profits granted by Italy to local public service undertakings the majority of the shares in which are publicly owned within the meaning of Article 3(70) of Law No 549/1995, and loans granted on preferential terms pursuant to Article 9a of Decree-Law No 488/1986, and in so far as it requires Italy to recover the aid in question from the recipients thereof, including the applicant (Articles 2 and 3 of the decision);
- order the Commission to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments are similar to those advanced in Case T-292/02 Confederazione Nazionale dei Servizi v Commission and Case T-297/02 ACEA S.p.A. v Commission.

**Action brought on 30 September 2002 by AEM S.p.A.
against the Commission of the European Communities**

(Case T-301/02)

(2002/C 289/71)

(Language of the case: Italian)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 30 September 2002 by AEM S.p.A., represented by Andrea Giardina, Carlo Croff, Alberto Santa Maria and Giuseppe Pizzonia, lawyers.

The applicant claims that the Court should:

- annul the Commission's decision of 5 June 2002 (State Aid No C.27/99) in so far as it declares that the three-year tax regime relating to the profits of local public service undertakings the majority of the shares in which are publicly owned, as introduced by Article 3(70) of Law No 549 of 28 December 1995 and Article 66(14) of Decree-Law No 331 of 30 August 1993 (converted into Law No 427 of 29 October 1993), constitutes State aid which is incompatible with the common market (Article 2 of the decision), and in so far as it requires Italy to recover the aid in question from the recipients thereof (Article 3 of the decision);
- order the Commission to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments are similar to those advanced in Case T-292/02 Confederazione Nazionale dei Servizi v Commission, Case T-297/02 ACEA S.p.A. v Commission and Case T-300/02 Amga S.p.A. v Commission.