

**Operative part of the judgment**

The Court:

- 1) *Dismisses the action.*
- 2) *Orders the applicant to pay the costs.*

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(<sup>1</sup>) OJ C 168, 26.6.2004.

**Judgment of the Court of First Instance of 21 September 2005 — EDP v Commission**

(Case T-87/05) (<sup>1</sup>)

**(Competition — Concentration — Regulation (EEC) No 4064/89 — Decision declaring a concentration incompatible with the common market — Portuguese electricity and gas markets — Acquisition of GDP by EDP and Eni — Directive 2003/55/EC — Liberalisation of gas markets — Commitments)**

(2005/C 281/42)

*Language of the case: English*

**Judgment of the Court of First Instance of 15 September 2005 — Luxem v Commission**

(Case T-306/04) (<sup>1</sup>)

**(Officials — Recruitment — Refusal to appoint a successful candidate in a competition who does not fulfil the conditions of admission to the competition)**

(2005/C 281/41)

*Language of the case: French*

**Parties**

*Applicant(s):* Monika Luxem (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

*Defendant(s):* Commission of the European Communities (represented by: J. Currall and L. Lozano Palacios, Agents)

**Application for**

Annulment of the Commission's decision of 30 July 2003 refusing to appoint the applicant as an official

**Operative part of the judgment**

The Court:

- 1) *Dismisses the application;*
- 2) *Orders each party to pay its own costs.*

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(<sup>1</sup>) OJ C 262, 23.10.2004

**Parties**

*Applicant(s):* EDP — Energias de Portugal SA (Lisbon, Portugal) (represented by C. Botelho Moniz, R. García-Gallardo, A. Weitbrecht and J. Ruiz Calzado, lawyers)

*Defendant(s):* Commission of the European Communities (represented by A. Bouquet and M. Schneider, agents)

*Intervener(s) in support of the defendant(s):* Gas Natural SDG SA (Barcelona, Spain) (represented by J. Perez-Bustamante Köster and P. Suárez Fernández, lawyers)

**Application for**

for annulment of Commission Decision C(2004) 4715 final of 9 December 2004 declaring incompatible with the common market the concentration by which EDP — Energias de Portugal SA and Eni Portugal Investment SpA proposed to acquire joint control of Gás de Portugal SGPS SA (Case COMP/M.3440 — EDP/ENI/GDP)

**Operative part of the judgment**

The Court:

- 1) *Dismisses the application;*
- 2) *Orders the applicant to pay the costs;*
- 3) *Orders the parties to bear their own costs in relation to the intervention.*

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(<sup>1</sup>) OJ C 82, 2.4.2005.