

COURT OF FIRST INSTANCE

Judgment of the Court of First Instance of 9 July 2008 —
Alitalia v Commission

(Case T-301/01) ⁽¹⁾

(State aid — Recapitalisation of Alitalia by the Italian authorities — Decision declaring the aid compatible with the common market — Decision taken following a judgment of the Court of First Instance annulling an earlier decision — Admissibility — Infringement of Article 233 EC — Infringement of Articles 87 EC and 88 EC — Conditions for authorising the aid — Obligation to state the reasons on which the decision is based)

(2008/C 209/65)

Language of the case: Italian

Parties

Applicant: Alitalia — Linee Aeree Italiane Spa (Rome, Italy) (represented by: M. Siragusa, G. M. Roberti, G. Scassellati Sforzolini, F. Moretti and F. Sciaudone, lawyers)

Defendant: Commission of the European Communities (represented by: V. Di Bucci, acting as Agent, and A. Abate and G. Conte, lawyers)

Re:

Application for the annulment of Commission Decision 2001/723/EC of 18 July 2001 concerning the recapitalisation of the company Alitalia (OJ 2001 L 271, p. 28).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Alitalia — Linee aeree italiane Spa to pay the costs.

⁽¹⁾ OJ C 44, 16.2.2002.

Judgment of the Court of First Instance of 1 July 2008 —
Deutsche Post v Commission

(Case T-266/02) ⁽¹⁾

(State aid — Measures implemented by the German authorities for Deutsche Post AG — Decision declaring the aid incompatible with the common market and ordering its recovery — Service of general economic interest — Compensation for additional costs generated by a policy of selling below cost in the door-to-door parcel delivery sector — No advantage)

(2008/C 209/66)

Language of the case: German

Parties

Applicant: Deutsche Post AG (Bonn, Germany) (represented by: J. Sedemund and T. Lübbig, lawyers)

Defendant: Commission of the European Communities (represented by: V. Kreuzschitz and J. Flett, Agents)

Intervener in support of the applicant: Federal Republic of Germany (represented by: W.-D. Plessing and M. Lumma, Agents)

Intervener in support of the defendant: Bundesverband Internationaler Express- und Kurierdienste eV (BIEK) (Frankfurt am Main, Germany) (represented by: F. Mitzkus, T. Wambach and R. Wojtek, lawyers); and UPS Europe NV/SA (Brussels, Belgium) (represented by: initially by T. Ottervanger and A. Bijleveld, and subsequently by T. Ottervanger, lawyers)

Re:

Action for annulment of Commission Decision 2002/753/EC of 19 June 2002 on measures implemented by the Federal Republic of Germany for Deutsche Post AG (OJ 2002 L 247, p. 27).

Operative part of the judgment

The Court:

1. Annuls Commission Decision 2002/753/EC of 19 June 2002 on measures implemented by the Federal Republic of Germany for Deutsche Post AG;
2. Orders the Commission to bear its own costs and to pay those incurred by Deutsche Post;