

**Judgment of the Court of First Instance of 4 February 2009
— Omya v Commission**

(Case T-145/06) ⁽¹⁾

(Competition — Concentrations — Request for information — Article 11(3) of Regulation (EC) No 139/2004 — Need for the information requested — Proportionality — Reasonable time — Misuse of powers — Breach of the principle of legitimate expectation)

(2009/C 69/81)

Language of the case: English

Parties

Applicant: Omya AG (Oftringen, Switzerland) (represented by: C. Ahlborn, C. Berg, Solicitors, C. Pinto Correia, lawyer, and J. Flynn QC)

Defendant: Commission of the European Communities (represented initially by V. Di Bucci, X. Lewis, R. Sauer, A. Whelan and F. Amato, and subsequently by V. Di Bucci, X. Lewis, R. Sauer and A. Whelan, Agents)

Re:

Application for the annulment of the Commission's decision of 8 March 2006 adopted pursuant to Article 11(3) of Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ 2004 L 24, p. 1), and requesting the correction of the information communicated in the context of the examination of (Case COMP/M. 3796 Omya v J.M. Huber PCC)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Omya AG to pay the costs.

⁽¹⁾ OJ C 165, 15.7.2006.

Judgment of the Court of First Instance of 11 February 2009 — Iride and Iride Energia v Commission

(Case T-25/07) ⁽¹⁾

(State aid — Energy sector — Compensation for stranded costs — Decision declaring aid compatible with the common market — Obligation for the recipient undertaking first to repay earlier aid declared unlawful — State resources — Advantage — Obligation to state reasons)

(2009/C 69/82)

Language of the case: Italian

Parties

Applicants: Iride SpA (Turin, Italy); and Iride Energia SpA (Turin) (represented by: L. Radicati di Brozolo, M. Merola and C. Bazoli, lawyers)

Defendant: Commission of the European Communities (represented by: E. Righini and G. Conte, acting as Agents)

Re:

Application for annulment of Commission Decision 2006/941/EC of 8 November 2006 on State aid C 11/06 (ex N 127/05) which Italy is planning to implement for AEM Torino (OJ 2006 L 366, p. 62), in the form of grants to reimburse the stranded costs in the energy sector, in so far as (i) it contains a finding of State aid and (ii) it makes compatibility of that aid with the common market conditional upon reimbursement by AEM Torino of earlier unlawful aid granted under the scheme for 'municipalised' undertakings.

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Iride SpA and Iride Energia SpA to pay the costs.

⁽¹⁾ OJ C 69, 24.3.2007.