

2. Orders Acegas-APS SpA to pay the costs.

(<sup>1</sup>) OJ C 289, 23.11.2002.

**Judgment of the Court of First Instance of 11 June 2009 —  
ASM Brescia v Commission**

(Case T-189/03) (<sup>1</sup>)

*(State aid — Scheme of aid granted by the Italian authorities to certain public utilities in the form of tax exemptions and loans at preferential rates — Decision declaring the aid incompatible with the common market — Actions for annulment — Individual concern — Admissibility — Article 87(3)(c) EC — Article 86(2) EC)*

(2009/C 180/72)

Language of the case: Italian

**Parties**

*Applicant:* ASM Brescia SpA (Brescia, Italy) (represented by: F. Capelli, F. Vitale and M. Valcada, lawyers)

*Defendant:* Commission of the European Communities (represented by: V. Di Bucci, Agent)

**Re:**

Application for annulment of Articles 2 and 3 of Commission Decision 2003/193/EC of 5 June 2002 on State aid granted by Italy in the form of tax exemptions and subsidised loans to public utilities with a majority public capital holding (OJ 2003 L 77, p. 21).

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders ASM Brescia SpA to bear its own costs as well as those incurred by the Commission.

(<sup>1</sup>) OJ C 184, 2.8.2003.

**Judgment of the Court of First Instance (Third Chamber) of  
19 June 2009 — Socratec v Commission**

(Case T-269/03) (<sup>1</sup>)

*(‘Competition — Concentrations — Market in road traffic telematic systems — Applicant declared insolvent in course of proceedings — No longer any legal interest in bringing proceedings — No need to adjudicate’)*

(2009/C 180/73)

Language of the case: German

**Parties**

*Applicant:* Socratec — Satellite Navigation Consulting, Research & Technology GmbH (Regensburg) (represented by: M. Adolf and M. Lüken, lawyers)

*Defendant:* Commission of the European Communities (represented by: initially S. Rating, then A. Whelan and K. Mojzesowicz, and latterly K. Mojzesowicz and X. Lewis, agents)

*Intervener in support of the applicant:* Qualcomm Wireless Business Solutions Europe BV (Waarle, Netherlands) (represented by: G. Berrisch and D.W. Hull, lawyers)

*Interveners in support of the defendant:* Daimler AG, formerly DaimlerChrysler AG (Stuttgart, Germany); Daimler Financial Services AG, formerly DaimlerChrysler Services AG (Berlin, Germany); Deutsche Telekom AG (Bonn, Germany); Toll Collect GmbH (Berlin) (represented by: J. Schütze and A. von Graevenitz, lawyers); and Federal Republic of Germany (represented by: initially C. D. Quassowski and S. Flockermann, then M. Lumma, agents, assisted by U. Karpenstein and A. Rosenfeld, lawyers)

**Re:**

Annulment of Commission Decision 2003/792/EC of 30 April 2003 declaring a concentration to be compatible with the common market and with the EEA Agreement (Case COMP/M.2903 — DaimlerChrysler/Deutsche Telekom Joint Venture) (OJ 2003 L 300, p. 62).

**Operative part of the judgment**

The Court:

1. declares that there is no longer any need to adjudicate on the action;
2. orders Socratec — Satellite Navigation Consulting, Research & Technology GmbH to bear its own costs and to pay the costs of the Commission, Daimler AG, Daimler Financial Services AG, Deutsche Telekom AG and Toll Collect GmbH;
3. orders Qualcomm Wireless Business Solutions Europe BV to bear its own costs;